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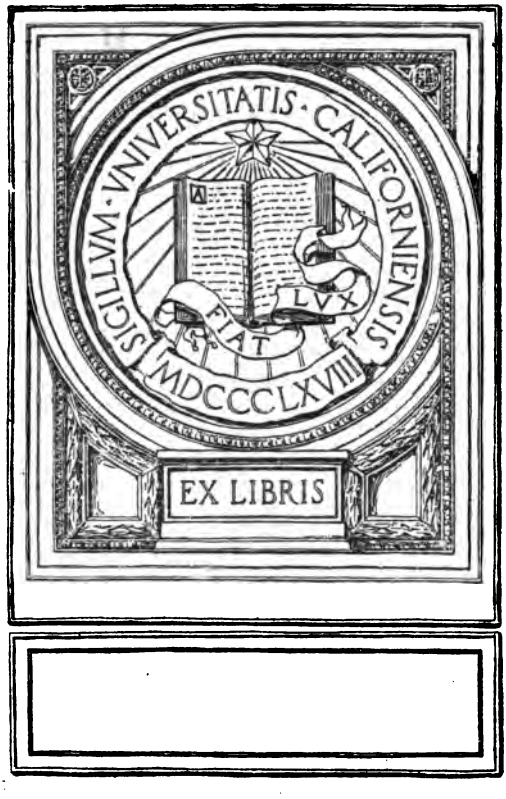
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BY

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PREFACE

The object of this work is the compilation, in the form of a ready reference book, of all cases in the United States holding municipal bonds void or determining their illegality prior to issuance, for use by owners and dealers in municipal bonds and banks loaning on such securities as collateral so as to guard against the illegal issues that are at the present time floating around the country like derelicts upon a sea.

Table I

As a rule, municipal bonds are free from the disagreeable taint of illegality. There are just 510 exceptions to the rule, involving $199,965,512, as shown in Table I. The only states and territories in which municipal bonds have never been held void are Alaska, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Massachusetts, Maine, Montana, New Hampshire, Nevada, New Mexico, Ohio, Oregon, Rhode Island, Utah, Vermont and Wyoming. In 249 decisions municipal bonds to the extent of $23,626,955 have been held absolutely void after issuance and delivery. In 56 additional cases the amount was not stated, making the total number of cases 305. Issue was enjoined in 125 cases of which 105 involved the amount of $171,646,600, the amount not being stated in 20 cases. In other proceedings preliminary to issuance, such as cases in which registration or certification was denied, validation refused or issuance not compelled, there is a total of 80 cases, of which 65 involved the sum of $4,691,957. The amount was not stated in 25 cases.

It is often believed that if municipal bonds otherwise void are held by bona fide purchasers before maturity without notice of any defects, the bonds to all intents and purposes are as though valid. This idea is seriously disproved in 153 cases of which 136 cases held that bonds to the extent of $6,416,506 were void though held by such bona fide purchasers. The amount was not stated in 17 cases. This rule has been laid

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down in Alabama, Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, Virginia and Wisconsin.

Nor are municipalities estopped from denying the validity of their bonds by recitals in the bonds that all statutes and proceedings preliminary to issuance have been fully complied with, as is proven in 45 cases of which 41 cases involved the sum of $1,783,965, the amount not being stated in 4 cases. This rule holds good in the states just mentioned with the exception of California, Indiana, Louisiana, Maryland, Pennsylvania, Tennessee and Virginia.

A few states require the registration of municipal bonds with the state officials, which is declared by statute to cure all defects. Notwithstanding such registration 2 cases in Illinois, one involving $50,000 and the other, amount not stated, were held void though registered with the state officials. There are 4 cases in Iowa amounting to $221,000; 1 case in Missouri amounting to $6,000 and 1 case in Nebraska amounting to $87,000, making a total of $364,000 in 7 cases, 1 case the amount not stated, making a total of 8 cases.

Oftentimes defects are sought to be eliminated and the bonds validated by special legislative act. Such legislation is not effective if the municipality lacked the power originally to issue the bonds, as is shown in 25 cases of which 21 cases involve the sum of $1,593,513. These issues were held void though attempts had been made to ratify and validate them by legislative act. This rule has been laid down in 14 states. In this connection, it is interesting to note the large number of special acts in the State of New York which validated or attempted to validate bonds that have been actually issued and delivered but in which some illegality has appeared. This number seems to be increasing each year in this state. In 1904 there were 12 such special acts; 1905, 22 acts; 1906, 5 acts; 1907, 23 acts; 1908, 25 acts; 1909, 20 acts, and 1910, 25 acts. Whether this special legislation really validates the issues can be determined only in future suits by some inquisitive taxpayer.

Municipal bonds have been held void though interest had been paid on them in 13 cases, 10 of which involved $721,000.

All of the cases cited above have been actually decided in reported decisions. In many other cases the points being considered were not actually decided although they undoubtedly existed. For instance,—probably in nearly every case the bonds were held by bona fide holders, but the question was not passed upon by reason of the many precedences in the state or for other reasons. Probably the holders relied upon the recitals in many other cases, although the point was not actually decided. This is also true of the bonds that were registered or upon which interest had been paid.

The reasons for invalidating bonds, either before or after delivery, may be grouped under four principal heads. 1st, the legislative act relied upon was held unconstitutional; 2d, the bonds exceeded or would exceed the limit of indebtedness; 3d, lack of statutory authority; 4th, proceedings leading up to issuance were not complied with, or in some way were irregular.

Municipal bonds were held irregular in 51 cases of which 40 involved $23,471,600, amount not stated in 11 cases, because the legislative act relied upon as authority was held unconstitutional.

The bonds exceeded the debt limit or if issued would have exceeded such limit in 61 cases of which 55 amounted to $12,348,005; amount not being stated in 6 cases.

Lack of authority was the cause of illegality in 148 cases of which 119 involved $82,040,163; amount not being stated in 29 cases.

Irregular proceedings were the cause of rendering bonds that had been issued or were about to be issued illegal in 232 cases, of which 203 amounted to $81,078,043.

A few issues were illegal for two or more of the reasons just stated, in which case they have been repeated in the various figures; but this occurs probably less than a dozen times.

In 6 cases bond owners attempted to hold a city or county responsible on special assessment bonds. This situation arose in Arkansas, one case, amount not stated. In California there are 2 cases of which the Montgomery Avenue bonds amounting to $1,575,000, were the largest. The other, the Dupont Street bonds, involved $5,000 although the total amount of the issue may have been considerably greater. Another case arose in Indiana amounting to $12,000, and a similar case in Wisconsin

amounting to $20,315. In all of these cases the bondholder may have had a remedy against special assessments, but could not hold the municipality itself liable.

It will thus be seen that irregular proceedings are responsible for the greater part of illegality being followed in turn by cases of lack of authority, exceeding debt limit and unconstitutional acts.

In all of the above computations, the total amount of the issue is considered where it is possible to learn the same from the decisions, though only a few of the bonds of the same series were in litigation. Where the entire amount of the debt could not be given, then the amount actually involved was taken, although it would, of course, be far below the amount of the entire issue. The figures do not include state issues, which seldom reach the courts and which may be repudiated without cause, leaving no remedy to the holder.

In passing it is of interest to notice that North Carolina, South Carolina, Georgia, Kansas and Virginia have repudiated bonds running into many millions of dollars. On the other hand, municipalities whose bonds have been held void have oftentimes compromised or paid off the indebtedness in other ways in order to save their credit. This is true of Chicago whose temporary loan certificates amounting to $4,500,000 were held void, after issuance and delivery, because they exceeded the debt limit. It is stated, however, that the city subsequently paid back to the purchasers of the certificates at least $4,000,000, leaving an apparently actual loss to the purchasers of $500,000. It does not appear whether the same arrangement was made concerning a subsequent issue of $3,000,000, temporary loan certificates of the same city which were held void for the same reason.

Table II

In Table II will be found the amounts of bonds held void in the various kinds of municipalities and the purpose of such bonds. There are 84 cases of county bonds held void after issuance and delivery of which 64 involved the sum of $9,793,104. City bonds have been held void in 77 cases of which 68 amounted to $9,629,925. Town and parish bonds have been held void to the extent of $2,810,375 in 86 cases, the total number of cases being 101.

Village or borough bonds are considered separately although the political subdivision closely resembles that of the town or parish; $203,400 of such bonds have been held void in 15 cases, the total number of cases being 17.

Twenty-seven decisions have held school district bonds void of which 22 make a total of $198,650.

Irrigation districts are a new invention and escape very lightly. California is the only state in which irrigation bonds have been held void after issuance and delivery. In that state there are 4 cases of which 2 involved the sum of $400,000, amount not stated in the other 2.

Illinois stands forth with 1 issue of levee district bonds amounting to $648,000 held void after issuance and delivery.

It is interesting to note that not a single county of the state of New York has had its bonds declared void and only one city issue, amounting to less than $12,000, although there are 22 cases of town bonds held void of which 17 involved the sum of $950,000.

By far the greatest number of void bonds were issued by municipalities in aid of railroad enterprises, a cause which is now almost entirely eliminated. 148 cases of which 117 amounted to $8,344,250, is the record for such purpose.

School purposes appear in 36 cases of which 28 involved the sum of $485,675.

Waterworks, gas and electric lighting plants, in other words, municipal ownership of public utilities, is responsible for actual losses amounting to $252,100 in 11 cases, amount not being stated in 1 additional case.

The loss in bonds issued for public improvements such as streets, bridges, roads, parks and buildings and other public improvements amounted to $2,446,679 in 27 cases, the amount not being stated in 8 additional cases.

Private enterprises were a favorite source of illegality in issues held void after delivery as appears in 19 cases of which 18 involved the sum of $2,584,000. Of this amount, however, $2,000,000 represents the fire loan bonds of the city of Charleston, S. C.

Refunding bonds were held void after issuance and delivery in 20 cases of which 16 amounted to $980,300.

For the purpose of paying general indebtedness, bonds to

the extent of $8,185,600 in 24 cases, the amount not being stated in 2 cases, were held void after issuance and delivery. Of this sum, $7,500,000 were the Chicago bonds mentioned above.

Table III

The third table deals with issues that have been enjoined, registration or certification denied, validation refused or issuance not compelled. All the cases in this table refer to issues prior to their delivery. They are arranged to show the amounts in the various kinds of municipalities and the purpose of the issue.

There are 43 such cases of county bonds of which 39 involved $3,945,500.

There are 85 decisions referring to city bonds of which 73 involved $169,655,673.

Town and parish bonds to the amount of $1,899,614 were involved in 38 cases, the amount not being stated in 10 additional cases.

Village and borough bonds are represented in 12 cases of which 8 involved $296,800.

School districts exceeded the latter amount, being $311,500 in 6 cases, the total number of cases being 9.

Finally as to the purpose of the issues, there are 54 cases of railroad aid of which 43 total $3,520,614.

School purposes appear in 20 cases of which 11 amounted to $347,500.

Bonds for waterworks, gas and electric lighting plants are very widely and evenly distributed over nearly all of the states and 41 cases amounted to $6,392,300, the amount not being stated in 5 additional cases.

There are only a few instances where bonds for private enterprises have been enjoined, the total number of cases being 4, 3 of which amounted to $640,000.

Public improvements, such as streets, bridges, roads, parks and buildings make the large total of $19,895,843 in 45 cases, the amount not being stated in 7 additional cases.

There were 7 cases of refunding bonds amounting to $21,834,300.

Bonds for general indebtedness were enjoined in 9 cases of which 8 make a total of $27,979,000.

The issue of $20,000,000 city of Boston bonds authorized by a separate legislative act, requires special mention and is not included in the above figures. These bonds were to be sold and proceeds loaned upon mortgage to the owners of land whose buildings had been burned in the great fire of 1872. The act was unconstitutional.

Likewise the $75,000,000 Chicago issue for railway aid purposes was not calculated in the other figures. This issue was enjoined because it would exceed the city's debt by granting security on valuable property of the city.

On the whole, Illinois has been the most unfortunate in her bond offerings having had bonds of 48 subdivisions held void, being followed by New York, Iowa, Kansas, Missouri and Nebraska, respectively. Of the large cities, Chicago has suffered the greatest losses in bonds actually issued and also stands at the head of the list of issues enjoined, being followed by Boston, Pittsburgh and Cincinnati, Denver and Philadelphia. New York has a clean record, although the question of debt limit hovering over it at the present time is a grave one.

Municipal bonds have been held void even in the hands of innocent holders upon the most technical and flimsy grounds. The real reason probably lay in the failure of the municipality to receive any or adequate consideration for the bonds which was diverted without the bondholders' knowledge from its proper uses. The courts would then take advantage of technical statutes to straighten out the municipalities' finances saying to the bondholder, "You are presumed to know the law." This was especially true of bonds issued in aid of railroad enterprises. This condition has almost entirely ceased. But taking its place there is another wave of illegality sweeping the country that is even more pernicious because it affects more people and is much more extensive in amount of actual loss. I refer to the wave of injunctions. A municipality spends thousands of dollars holding an election and authorizing a bond issue for some worthy and needed public improvement, such as buildings, streets, roads, sewers, parks, bridges or some public utility such as waterworks, gas or electric lighting plants, then the whole matter is delayed, oftentimes for years by an injunction obtained by some tax-

payer. The improvement may be of the greatest necessity to the large majority of taxpayers but through some slip in the preliminary proceedings the issue is held irregular and declared void. The cost to the municipality, the inconvenience to the taxpayers, the expenses of the bond houses preparing to underwrite the issue is inestimable and widespread.

The decisions quoted in this book represent all the decisions in the United States from the earliest time so far as a diligent search of the digests and records of the various states affords. There may be a few cases that have been overlooked by reason of their improper indexing or because they were not indexed at all. Such cases will come to notice only after years of research along these lines. Many cases that arose upon motions are not officially reported and for this reason cannot be found. The Bullitt case in which an issue of $8,000,000 of Philadelphia was enjoined appears only in an unofficial report; but by reason of its prominence and the amount involved, has been included in this work. The instances in which the amount has not been stated have been a constant source of regret leaving any calculation at the most, somewhat vague. In the recent Hoffman case, involving an issue of $6,775,000 of Pittsburgh bonds, the amount was not stated. We therefore draw the conclusion that the figures given herein are the minimum. What the maximum figures are nobody knows.

MAURICE B. DEAN.

20 BROAD STREET,
NEW YORK CITY,
September 1, 1911.

EXPLANATORY

Table I

Column A shows the total amount of municipal bonds held void in the different states and territories from the earliest officially reported decisions. The number immediately following the amount shows the number of cases in which the amount was stated. The second inclusive column gives the total number of cases which includes those cases in which the amount was not stated.

Column B shows the amount and number of cases, amount stated and total number of cases in which the issuance has been enjoined.

Column C resembles B, being all other instances wherein the illegality of proposed bonds has been determined prior to issuance.

Column D shows cases wherein it was actually determined that bona fide holders of bonds were not protected. All of these cases necessarily arose subsequent to issuance and delivery.

Column E shows the instances wherein the municipality was not estopped from setting up the illegality of the bonds notwithstanding the recitals in the bonds that all statutory requirements had been fully complied with. These cases also arose subsequent to issuance.

Column F shows instances where the bonds were held void after issuance though registered with state officials.

Column G includes instances prior and subsequent to issuance of futile attempts to validate issues by legislative act.

Column H shows instances where bonds actually issued were held void though interest had been paid on them.

Columns I, J, K and L give the reasons for illegality in all issues either prior or subsequent to issuance. A few cases are repeated in two or more columns when they were invalidated for two or more of the reasons.

Column M shows the few cases where bondholders ineffectually attempted to hold municipalities responsible for special

assessment bonds. These are considered as void as that was the actual effect in nearly all the cases.

Table II

This table refers exclusively to issues held void after issuance and delivery. The headings are believed to be sufficiently explanatory.

Table III

This table resembles Table II except that it deals with all other proceedings, other than by injunction, holding bonds illegal prior to issuance. Such are usually applications to certify, register or validate issues or to compel issuance pursuant to some contract entered into by the municipality.

———, Attalla, City of, Ala.

Actual loss. Resolution authorizing mayor to sign and deliver city note did not confer power on him to execute bond and same was void. (1905) *Gutta Percha & Rubber Mfg. Co.* v. *City of Attalla,* 39 So. 719.

$10,000, Eufaula, City of, Ala.

Actual loss. Lack of authority for city to issue bonds to purchase fair grounds for private association. Were void though interest had been paid on them. (1880) *City of Eufaula* v. *McNab,* 67 Ala. 588.

———, Eutaw, Town of, Ala.

Constitution required ballot should contain the words "For . . . bond issue" and "Against . . . bond issue," the spaces to show the character of the bonds. Was violated by election on ballots printed "For bond issue" and "Against bond issue" on separate lines with a description of the proposed issue beneath in parenthesis. Issue of such town bonds for streets, schoolhouse, waterworks and electric lighting plant enjoined. (1908) *Coleman* v. *Town of Eutaw,* 47 So. 703.

———, Graymount, City of, Ala.

Statute allowing bonds to be issued for *construction* of schoolhouses, sewers, etc., and prohibiting an election for same purpose within two years thereafter was violated by an election to construct other schools and to *extend* the sewerage system. Election set aside and issue enjoined. (1909) *City of Graymount* v. *Scott,* 49 So. 683.

$20,000, Montgomery, City of, Ala.

Actual loss. Bonds issued by city in aid of a plank-road company without any authority of law were void in hands of bona fide holder and city was not estopped from denying their validity by resolution of the city council, acts of its officers or by the

negotiable form or recitals on face of the bonds. (1875) *Chisholm* v. *Montgomery*, F. C. 2,686.

$30,000, Wetumpka, City of, Ala.

Actual loss. City bonds issued to build canal were void for lack of statutory authority, and though a judgment was recovered against the city on the bonds, yet city could not be compelled to pay it. (1879) *Mayor, etc., of Wetumpka* v. *Wetumpka Wharf Co.*, 63 Ala. 611.

ARIZONA

$200,000, Pima County, Ariz.

Actual loss. Act of legislature violated United States revised statutes, and county railroad aid bonds issued by authority of the act were void. (1894) *Lewis* v. *Pima County*, 155 U. S. 54.

ARKANSAS

$54,000, Arkansas City, City of, Ark.

Actual loss. City railroad aid bonds were fraudulently issued by mayor and city clerk without an ordinance. Held, void even though the bonds recited that all requirements of the statute had been strictly complied with. (1894) *Swan* v. *City of Arkansas*, 61 Fed. 478; same issue, *Hinkley* v. *City of Arkansas City* (1895), 69 Fed. 768.

$10,000, Chicot County, Ark.

Actual loss. No statutory authority to issue county railroad aid bonds, hence bonds were void in hands of innocent purchaser. (1877) *Hancock* v. *Chicot County*, 32 Ark. 575. Same issue, *English & W.* v. *Same*, 26 Ark. 454.

$500, Little Rock, City of, Ark.

Actual loss. Resolution authorizing mayor to execute a note to borrow money conferred no power to execute a city bond. (1847) *Mayor, etc., of Little Rock* v. *State Bank*, 8 Ark. 227.

———, Phillips County, Ark.

County could not be compelled to levy and collect a tax upon bonds issued by a levee district, as the claim if any was against the district and they were special assessment bonds. (1883) *Meath* v. *Phillips County*, 108 U. S. 553.

CALIFORNIA

$40,000, Calaveras County, Cal.

Actual loss. County bonds authorized to pay general debts were overissued $40,000 which were void although purchased in good faith. (1891) *Sutro* v. *Rhodes*, 92 Cal. 117.

$250,000, East Riverside Irrigation District, Cal.

Actual loss. Held, Whether the bonds were treated as "issued" on the day they bore date or on the day they were delivered, they were void in the first case, because they were not signed by the "then secretary" as required by the statute and in the second case because they were antedated, the effect of which was to make them payable within a shorter time than that provided by law. (1905) *Wright* v. *East Riverside Irrigation District*, 138 Fed. 313.

———, Hollywood Union High School District, Cal.

Notice of election stating that interest on the proposed bonds would be at a certain rate "per annum" failed to comply with the requirements of the statute that interest should be paid annually or semiannually. Mandamus to compel issuance denied. (1909) *Hollywood Union School District* v. *Keyes*, 107 Pac. 129.

$250,000, Kern County, Cal.

Mandate to compel issuance of county bonds for bridge, highway, jail, poorhouse and hospital purposes denied because order for the election failed to specify the several distinct purposes of the proposed issue. (1890) *People ex rel. Kern County* v. *Baker*, 23 Pac. 364; 83 Cal. 149.

———, Perris Irrigation District, Cal.

Actual loss. Under Wright Act, providing for organization of irrigation districts, bonds could only be issued for property acquired, and not for water rights, certificates or salaries of officers. Bonds held void were part of a series aggregating $442,000. Invalid in hands of bona fide purchaser. (1903) *Leeman* v. *Perris Irrigation District*, 74 Pac. 24.

$7,000, Placerville, City of, Cal.

Actual loss. The act depended upon as authority for issuing city fire department bonds was an act amendatory to the city's

original charter. When the city was reincorporated, the original and all amendatory acts were repealed. The bonds, issued under the repealed act, were void for lack of authority. (1905) *Wichman* v. *City of Placerville*, 81 Pac. 537.

———, Redondo Beach, City of, Cal.

Cities of sixth class had no statutory authority to issue street improvement bonds. Could not compel city treasurer to sign such bonds. (1902) *City of Redondo Beach* v. *Cate*, 68 Pac. 586.

$1,600,000, Sacramento, City of, Cal.

A statute prohibited creditors from suing the city and provided for bond issue to fund debts. Held, a bondholder could not sue on his bonds but could have mandamus to compel assessment and levy of tax to pay interest. (1884) *Kennedy* v. *City of Sacramento*, 19 Fed. 580.

$75,000, Sacramento County, Cal.

Actual loss. No statutory authority for county to issue bonds for the construction of a road. Taxpayer could enjoin collection of tax to pay interest. (1898) *Devine* v. *Board of Supervisors of Sacramento County*, 54 Pac. 262.

$4,000, San Diego, City of, Cal.

Actual loss. Railroad aid bonds issued by city were void because the board of trustees failed to pass resolution authorizing them, as required by statute. Declared void in hands of innocent holder by this taxpayer's action. (1878) *McCoy* v. *Briant*, 53 Cal. 247.

$150,000, San Diego, City of, Cal.

Actual loss. City railroad aid bonds were antedated so as to appear to have been issued prior to the repeal of a certain statute and were signed by persons as president and clerk who were not such officials at the date on which the bonds purported to have been issued. Held, void in the hands of bona fide holder. "As there was no authority to issue the bonds, even a bona fide holder of them cannot have a right to recover upon them or their coupons." (1897) *Lehman* v. *City of San Diego*, 83 Fed. 669.

$124,500, San Luis Obispo, City of, Cal.

Issue of city waterworks and sewer bonds enjoined because the ballot did not conform to the resolution. Resolution provided voter should indicate choice by writing "yes" or "no" on his ticket opposite the proposition, but ballot provided for making an "X" after the word "yes" or "no." (1898) *Murphy* v. *City of San Luis Obispo,* 51 Pac. 1085.

$2,000, San Luis Obispo, County of, Cal.

Actual loss. Authority to issue $40,000 county bonds conveyed no authority to issue $42,000 and the overissue was void. (1887) *Sutro* v. *Petit,* 16 Pac. 7; 74 Cal. 332.

$5,000, San Francisco, City and County of, Cal.

Actual loss. Full amount not stated. City and county issued Dupont Street special assessment bonds. City and county not liable to holder as the bonds did not create a general liability. Holder's remedy was against individual owners of lands benefited. (1901) *Shapter* v. *City and County of San Francisco,* 110 Fed. 615.

———, San Francisco, City and County of, Cal.

Election for issue of city and county public improvement bonds was held under general act instead of city charter which superseded it. Issue enjoined. (1901) *McHugh* v. *City and County of San Francisco,* 64 Pac. 570.

$4,000,000, San Francisco, City and County of, Cal.

Issue of park and boulevard bonds by city and county enjoined by taxpayer because the park and boulevard act relied upon was superseded by the city charter. Amount stated was the amount authorized by statute. (1901) *Fritz* v. *City and County of San Francisco,* 64 Pac. 566.

$1,575,000, San Francisco, City and County of, Cal.

Actual loss. City and county of San Francisco was not an obligor and was not liable on "Montgomery Avenue" bonds, issued by the board of public works which was a separate corporation composed of the same officers as the city. Although bonds referred to the special act and said the treasurer of the city and county would pay, etc., yet purchaser was charged with

notice of the provisions of the statute exempting the city and county. (1885) *Liebman* v. *City and County of San Francisco*, 24 Fed. 705. Assessment to pay interest on the bonds held void in *Mulligan* v. *Smith* (1881), 59 Cal. 206.

$597,000, San Francisco, City and County of, Cal.

Issue of city improvement bonds enjoined; failed to receive requisite number of votes. (1904) *Law* v. *City and County of San Francisco*, 77 Pac. 1014.

———, Santa Cruz, City of, Cal.

Actual loss. An act passed March 9th did not take effect until sixty days thereafter. Hence an election on March 30th purporting to be held thereunder for issuance of city waterworks bonds was illegal and the bonds were void. (1887) *Santa Cruz Water Co.* v. *Kron*, 15 Pac. 772; 76 Cal. 222.

$165,000, Santa Rosa, City of, Cal.

Issue enjoined. Ordinance which provided that payment of city waterworks bonds was to be made "in gold coin of the United States of the present standard of weight and fineness" was invalid and violated the statute providing that bonds shall be payable in "gold coin or lawful money of the United States." (1895) *Skinner* v. *City of Santa Rosa*, 40 Pac. 742.

———, Sutter County, Levee District, No. 5, Cal.

Actual loss. Act providing for organization of levee district without vote of the people, without notice, without opportunity for protest and no discretion being vested in the board of supervisors to reject the petition or change proposed boundaries was unconstitutional. Bonds issued by levee district under such statute were void in hands of bona fide holder even though interest had been paid for several years. (1894) *Brandenstein* v. *Hoke*, 101 Cal. 131.

$150,000, Turlock Irrigation District, Cal.

Actual loss. Under irrigation act bonds could not be issued for salaries but for construction purposes, only. Was part of total issue of $524,000. Injunction granted against tax levy to pay interest on whole issue. Bondholder charged with notice

of powers of officers of district. (1896) *Hughson* v. *Crane*, 47 Pac. 120.

COLORADO

$400,000, Denver, City and County of, Colo.

Ordinance providing for issue of city and county public auditorium bonds did not correspond with the proposition submitted to voters. Issue enjoined. (1905) *City and County of Denver* v. *Hallett*, 83 Pac. 1066.

$11,000,000, Denver, City of, Colo.

Proposition submitted to voters of city was such that the electors had to vote for or against the issuance of bonds for eleven different purposes as a whole. Election void and issue enjoined. (1900) *City of Denver* v. *Hayes*, 63 Pac. 311.

$25,000, Gillett, Town of, Colo.

Actual loss. Ordinance authorizing issuance of town waterworks bonds failed to provide tax levy, hence the bonds were void in the hands of a bona fide purchaser for value, notwithstanding the recital in the bonds that they had been issued in compliance with the law. (1904) *Sauer* v. *Town of Gillett*, 78 Pac. 1068.

$36,000, Granada, Town of, Colo.

Actual loss. Ordinance purporting to authorize town refunding bonds was never recorded or published. A recital that the bonds were issued under the ordinance did not estop town from setting up invalidity even against bona fide purchaser. (1893) *National Bank of Commerce* v. *Town of Granada*, 54 Fed. 100.

$5,000, Lake County, Colo.

Actual loss. County bonds issued for road and bridge purposes exceeded debt limit and were void. Purchaser for value before maturity charged with duty of examining record of indebtedness. County not estopped by recital in bonds that all the provisions of the statute had been complied with. (1893) *Sutliff* v. *Lake County Commissioners*, 147 U. S. 230.

$500,000, Lake County, Colo.

Actual loss. Refunding bonds of county exceeded debt

limit. Act authorizing the issue violated the constitution and the bonds were void even though the bond recited that the act had been fully complied with by the proper officers, that the issue had been authorized by a vote of a majority of the duly qualified voters of the county and that the faith and credit of the county were pledged for the punctual payment of principal and interest. (1889) *Lake County* v. *Graham,* 130 U. S. 674.

$10,000, Ouray Co. School District No. 11, Colo.

Actual loss. School bonds exceeded debt limit and were void in the hands of innocent purchaser, even though the bonds stated that all requirements of the law had been fully complied with. (1899) *Geer* v. *School District No. 11, Ouray Co., Colo.,* 97 Fed. 732.

CONNECTICUT

$28,000 Hebron, Town of, Conn.

Gave four days' instead of five days' notice of election. Authority given at such election to guarantee town railroad aid bonds was not enforceable. (1883) *Brooklyn Trust Co.* v. *Town of Hebron,* 51 Conn. 22.

FLORIDA

$400,000, Hillsborough County, Fla.

County bonds to pay general indebtedness and for highway purposes enjoined. Statute requiring resolution to determine rate of interest was violated by resolution stipulating that the bonds should bear "not more than four per cent interest per annum" without fixing a definite rate. (1903) *Hillsborough County* v. *Henderson,* 33 So. 997.

$20,000, St. Augustine, City of, Fla.

Ordinance authorizing payment of interest at St. Augustine was violated by preparation of city electric light bonds providing for payment of interest at New York City as well. Issue enjoined. (1900) *Middleton* v. *City of St. Augustine,* 29 So. 421.

GEORGIA

$125,000, Athens, City of, Ga.

Notice of election for issuance of city waterworks bonds failed to state how much principal and interest would be paid an-

nually. (1892) *Mayor, etc., of the City of Athens* v. *Hemerick*, 16 S. E. 72.

$250,000, Atlanta, City of, Ga.

Issue of city waterworks bonds enjoined. "Two-thirds of qualified voters" meant according to a special registration and not as shown in the tally sheets of the last preceding general election. (1890) *Gavin* v. *City of Atlanta*, 12 S. E. 262.

———, Coweta County, Ga.

Actual loss. The ordinary of the county had no power to issue county bonds to build a jail and payment thereof was enjoined. (1872) *Dent* v. *Cook*, 45 Ga. 323.

$40,000, Dougherty County, Ga.

Twenty-seven days' notice of election instead of thirty days as required by statute was insufficient. Registration of county courthouse bonds denied. (1902) *Davis* v. *Dougherty County*, 42 S. E. 764.

$25,000, Dublin, City of, Ga.

Action to validate city bonds to be issued for school, waterworks and electric lighting purposes. Validation refused because notice of election failed to clearly state amount and purpose of bonds. (1901) *Smith* v. *Mayor of Dublin*, 39 S. E. 327.

$10,000, Edgewood, Town of, Ga.

Issue enjoined. Questions of adopting town charter and issuing school bonds could not be submitted as one proposition. (1903) *Cain* v. *Smith*, 44 S. E. 5.

$20,000, Elberton, City of, Ga.

Application for solicitor general to validate city sewer bonds refused because city had failed to provide for payment of principal and interest by assessment. (1905) *Oliver* v. *City of Elberton*, 52 S. E. 15.

$30,000, Hawkinsville, Town of, Ga.

Issuance of town waterworks and electric lighting plant bonds enjoined. Lack of charter authority. (1897) *Grace* v. *Mayor, etc., of Hawkinsville*, 28 S. E. 1021.

$400,000, Ottumwa, City of, Ga.

City waterworks bonds would have exceeded debt limit. Issue enjoined. (1902) *City of Ottumwa* v. *City Water Supply Co.*, 119 Fed. 315.

———, Perry, City of, Ga.

Issue of city bonds enjoined. Purpose of issue and grounds of decision not stated. (1896) *Mayor, etc., of Perry* v. *Norwood*, 25 S. E. 648.

———, Senoia, Town of, Ga.

Construction of statute as to meaning of two-thirds of qualified voters. Town bonds not entitled to be validated. (1902) *McKnight* v. *Mayor, etc., of Town of Senoia*, 42 S. E. 256.

$35,000, Thomasville, City of, Ga.

Issue of city electric light bonds enjoined because notice of election was illegal. (1905) *City of Thomasville* v. *Thomasville Electric Light & Gas Co.*, 50 S. E. 169.

$30,000, Waynesboro, City of, Ga.

Petition to validate the issuance of city waterworks and electric lighting plant bonds refused because ordinance failed to provide annual tax to pay principal and interest and because notice of election failed to specify all the particulars required by statute. (1902) *Wilkins* v. *City of Waynesboro*, 42 S. E. 767.

IDAHO

———, Ada County, Idaho.

Act of legislature of March 16, 1909, providing for issue of county railroad aid bonds was unconstitutional. Could not compel proceedings thereunder. (1910) *Atkinson* v. *Board of Commissioners of Ada County*, 108 Pac. 1046.

$55,000, Boise City, Idaho.

City ordinance failed to describe the indebtedness sought to be funded. Issue enjoined. (1899) *Coffin* v. *Richards*, 6 Idaho 741.

$32,000, Grangeville, City of, Idaho.

Contract by mayor to purchase water plant was void and

could not be ratified by an election of voters. Hence issue of city bonds was enjoined. (1907) *Woodward* v. *City of Grangeville*, 92 Pac. 840.

ILLINOIS

$100,000, Amboy, Township of, Ill.

Railroad could not compel an unconditional subscription to stock to be paid for with township bonds when the voters authorized a conditional subscription. (1870) *People* v. *Dutcher*, 56 Ill. 144.

$50,000, Aurora, City of, Ill.

Actual loss. City railroad aid bonds were issued subject to a condition recited on the face of the bonds. The condition was such that it invalidated them. (1881) *Chicago, B. & Q. R. Co.* v. *City of Aurora*, 99 Ill. 205.

$10,000, Aurora, Township of, Ill.

Actual loss. Railroad aid bonds issued by township were held void in taxpayer's action to restrain collection of tax to pay interest, because the act relied upon was not read on three different days and was not passed by a vote of ayes and noes in the senate as required by the constitution. (1873) *Miller* v. *Goodwin*, 70 Ill. 659.

———, Batavia, Town of, Ill.

Election called by town supervisor was void. Should have been called by town clerk. Issue of railroad aid bonds enjoined. (1871) *Force* v. *Town of Batavia*, 61 Ill. 99.

———, Big Grove, Town of, Ill.

Actual loss. Call and notice of election referred to proposed issue of bonds to "the Eastern Division of the Illinois Grand Trunk Railway." Bonds issued to "Illinois Grand Trunk Railway" were therefore to a different company and were void. (1872) *Town of Big Grove* v. *Wells*, 65 Ill. 263.

$10,000, Bishop, Town of, Ill.

A constitution prohibiting municipalities from issuing railroad aid bonds was adopted at the same election at which a proposition was voted upon to authorize town railroad aid bonds.

Bonds, therefore, did not precede the constitution and issue was enjoined. (1884) *People* v. *Town of Bishop*, 111 Ill. 124.

$15,000, Brimfield, Town of, Ill.

Actual loss. Town had charter power to issue $35,000 railroad aid bonds, hence a separate additional issue of $15,000 voted on same day was without authority and were void. Taxpayer could enjoin collection of taxes to pay interest. As the bonds were not binding on the town they could not be validated by a special legislative act. (1871) *Marshall* v. *Silliman*, 61 Ill. 218.

——, Centerville Station, Town of, Ill.

Town bonds issued to construct macadamized road held void. There were two statutes, the "general road act" and the "hard road act." These bonds were issued under wrong act and a judgment rendered for the tax to pay interest was void. (1902) *St. Louis, A. & T. H. R. Co.* v. *People*, 65 N. E. 715.

$75,000,000, Chicago, City of, Ill.

Issue of city railway certificates enjoined, because they were likely to increase city's debt by granting security on valuable property of the city. (1907) *Lobdell* v. *City of Chicago*, 227 Ill. 218; 81 N. E. 354.

$3,000,000, Chicago, City of, Ill.

Actual loss. "Temporary loan certificates" of 1877 of city were void because they created a general indebtedness and exceeded debt limit. Taxpayer could enjoin tax collector from receiving the certificates in payment of taxes. (1878) *Fuller* v. *City of Chicago*, 89 Ill. 282.

$4,500,000, Chicago, City of, Ill.

Partial loss. As "temporary loan certificates" of 1875 of city to pay current expenses would create a permanent indebtedness instead of being drawn against and to anticipate revenue or taxes for any particular year they were void because they exceeded constitutional limit of indebtedness. Tax to pay interest was not enforceable but city subsequently paid back to the purchasers of the certificates at least $4,000,000. Appears to have been actual loss of $500,000. (1877) *Law* v. *Huck*, 87 Ill. 385.

$15,000, Cold Spring Township, Ill.

Notice of election to vote on town railroad aid bonds contained the condition that they were to be registered under a certain act with state auditor. The act providing for such registration required assent of majority of voters living in township. As such assent was not obtained railroad could not compel issuance. (1874) *Springfield & Illinois S. Ry. Co.* v. *Supervisors, etc., of Cold Spring Township*, 72 Ill. 603.

$25,000, Concord, Town of, Ill.

Actual loss. Town election authorized issuance of bonds to aid railroad to be delivered as soon as the road was constructed through the town. The bonds were issued prior to such construction. Also, subsequent to the election but before delivery of the bonds, the state constitution was amended prohibiting such bonds. Held, the bonds were void. (1875) *Town of Concord* v. *Portsmouth Savings Bank*, 92 U. S. 625. Same issue, *Concord* v. *Robinson*, 121 U. S. 165 (1887), were void in hands of bona fide holder.

$2,000, Cook County, School District No. 1, Township No. 39, Range No. 12, Ill.

Actual loss. Notice of election failed to state the purpose or question to be voted upon. Bonds so issued to build a schoolhouse were void. (1879) *Thatcher* v. *People*, 93 Ill. 240.

$12,000, Dayton, Town of, Ill.

Actual loss. Town railroad aid bonds issued under a special act were void in hands of innocent purchaser, as the act was unconstitutional "it not appearing by the legislative journals to have been passed as required by the constitution of 1848." Nor were the bonds validly issued under the act of 1867 as the bonds stated that the application for the special town meeting was made by "fifty legal voters of said town" whereas the statute prescribed that it should be made by "twenty voters and *taxpayers*." (1877) *Gilson* v. *Dayton*, 123 U. S. 59.

$25,000, Eagle, Town of, Ill.

Actual loss. Town railroad aid bonds issued under statute authorizing subscription upon conditions were void in hands of

bona fide purchaser because the conditions precedent had not been complied with. (1876) *Town of Eagle* v. *Kohn*, 84 Ill. 292.

$35,000, East Moline, Village of, Ill.

Issue of village waterworks bonds enjoined because debt limit would be exceeded. (1906) *Village of East Moline* v. *Pope*, 224 Ill. 386; 79 N. E. 587.

$75,000, East Oakland, Township of, Ill.

Actual loss. Total want of legislative authority for issuance of township railroad aid bonds. In such case there could be no bona fide holder. (1876) *Township of East Oakland* v. *Skinner*, 94 U. S. 255.

———, East St. Louis, City of, Ill.

Issue enjoined. Constitution repealed former statutory authorization for issuing county railroad aid bonds. Election was void. (1872) *Schall* v. *Bowman*, 62 Ill. 321.

$40,000, Elmwood, Town of, Ill.

Actual loss. Town railroad aid bonds issued without election were void and could not be validated by legislature without town's consent. Taxpayer could enjoin collection of tax to pay interest. (1871) *Wiley* v. *Silliman*, 62 Ill. 170.

$7,000, Enfield, Town of, Ill.

Actual loss. No statutory authority for town to issue railroad aid bonds. Bonds were void and taxpayer could enjoin collection of tax to pay interest. (1881) *Welch* v. *Post*, 99 Ill. 471.

$100,000, Franklin County, Ill.

Actual loss. An election authorized issuance of county railroad aid bonds upon completion of road. After the election and prior to completion of road the constitution prohibited such bonds. Held, the county could not extend the time for completing the road and bonds issued after such extension were void and a tax levied to pay interest on them illegal. (1886) *Richeson* v. *People ex rel. Jones*, 115 Ill. 450. Same issue held void in hands of innocent purchaser. The fact that the bonds had been registered by the state auditor did not make them valid. (1888) *German Savings Bank* v. *Franklin County*, 128 U. S. 526.

$75,000, Fulton, County of, Ill.

Actual loss. County election authorized issue of bonds to a certain railroad. Thereafter the railroad charter was amended by act of legislature which divided the company into three new companies. Bonds issued to one of the three new companies were not authorized and were void in hands of innocent purchaser. (1870) *Marsh* v. *Fulton County,* 10 Wall. 676.

———, Hardin, County of, Ill.

Actual loss. Power of county to levy tax to pay debts gave no power to issue bonds therefor. Were void. (1876) *County of Hardin* v. *McFarlan,* 82 Ill. 138.

$45,000, Honey Creek Township, Ill.

Actual loss. Township railroad aid bonds were issued on condition that road would be constructed within one-half mile of courthouse. Was laid nine miles away. Bonds were void in hands of innocent purchaser. Recital of bond not conclusive. (1879) *Parker* v. *Smith,* 3 Ill. App. 356.

$200,000, Jackson County, Ill.

Election irregularly held. County railroad aid bonds. Issue not compelled by mandamus. (1879) *People ex rel. Cairo & St. L. R. R. Co.* v. *Jackson County,* 92 Ill. 441. Same issue, *Board of Supervisors* v. *Brush,* 77 Ill. 59 (1875).

$10,000, Jersey, County of, Ill.

Actual loss. County board had no power to issue bonds to fund existing county orders and obligations. Payment of interest on such bonds was enjoined by taxpayers. Holder was bona fide purchaser. (1884) *Locke* v. *Davison,* 111 Ill. 19.

$240,000, Joliet, City of, Ill.

Issue of city waterworks bonds enjoined. Would exceed debt limit. (1902) *City of Joliet* v. *Alexander,* 62 N. E. 861.

$5,000, Kankakee, City of, Ill.

Actual loss. Bonds issued to aid "Douglas Linen Company," a private enterprise, were void. No statutory authority. Bona fide purchaser charged with knowledge of public records. (1872) *Bissell* v. *City of Kankakee,* 64 Ill. 249.

———, Kendall, County of, Ill.

Actual loss. Legislative journals failed to show that the act relied upon as authority for issue of railroad aid bonds issued by county became a law by the passage of the bill, in both houses of the legislature, as required by the constitution. (1876) *Supervisors of Kendall County* v. *Post*, 94 U. S. 260. Affirmed (1881) 105 U. S. 667.

$60,000, Lacon, Town of, Ill.

Actual loss. Railroad aid bonds issued by town without legislative authority were void. Illegal election could not be legalized by legislative act. A recital in the bond that it was made in pursuance of a vote of the people charged bona fide holder with notice that there was no law authorizing the election. (1877) *Barnes* v. *Town of Lacon*, 84 Ill. 461.

$10,000, Lamard Township, Ill.

Actual loss. Statute authorizing supervisors and clerk of town to execute railroad aid bonds without vote of people was unconstitutional. Bonds were void in hands of innocent purchasers. Interest had been paid. (1880) *Schaeffer* v. *Bowman*, 95 Ill. 368.

$10,000, La Moille, Town of, Ill.

Actual loss. Town railroad aid bonds were issued after the constitutional amendment prohibiting such bonds took effect, and were void. (1891) *Illinois Grand Trunk Railway Company* v. *Wade*, 140 U. S. 65. Same issue, *Wade* v. *Walnut* (1881), 105 U. S. 1; and *Wade* v. *Town of La Moille* (1884), 112 Ill. 79, holding the bonds void in hands of innocent holders.

———, La Salle County, School District No. 248, Ill.

Mandamus to compel issue of school bonds was defective because it failed to allege that the district was not indebted to extent of the constitutional limit and that the proposition had been voted upon. (1908) *People ex rel. Mahoney* v. *School District Directors*, 139 Ill. App. 620.

$50,000, Litchfield, City of, Ill.

Actual loss. City waterworks bonds exceeded debt limit and were void in hands of innocent purchasers. Recitals did not

validate. (1885) *Litchfield* v. *Ballou*, 114 U. S. 190. Same issue also held void, *Buchanan* v. *Litchfield* (1880), 102 U. S. 278.

$50,000, Madison, County of, Ill.

Lack of statutory authority for county to issue railroad aid bonds payable by a strip of country along railroad. Railroad could not compel issuance. (1871) *Madison County* v. *People*, 58 Ill. 456.

$500, McLean County, Normal School District of, Ill.

Actual loss. No statutory authority for issuance of school bonds by board of education of the school district other than for purchasing a site or erecting school building. Bond issued for a different purpose was void. No one could be an innocent purchaser of such void paper. (1880) *Hewitt* v. *Board of Education of Normal School District*, 94 Ill. 528.

$15,000, Middleport, Town of, Ill.

Actual loss. Town railroad aid bonds declared void in hands of innocent purchaser for value because an act authorizing it to *tax and appropriate money* for construction of railroad did not give the town the right to *issue bonds* for that purpose. (1876) *Town of Middleport* v. *Ætna Life Insurance Co.*, 82 Ill. 562.

$50,000, Monroe County, Township 2 South, Range 10 West, Ill.

Refusal to issue railroad aid bonds, previously authorized by township, was sustained on the ground that school trustees had no power to bind township as a stockholder. (1865) *People ex rel. Cairo & St. Louis Railway Co.* v. *Dupuyt*, 71 Ill. 651.

$19,000, Morgan County, Ill.

Actual loss. County issued its bonds to a railroad by mistake as they should have been issued to a different company. Although part had been transferred to a bona fide purchaser, yet county could compel their delivery up. (1875) *Morgan County* v. *Thomas*, 76 Ill. 120.

$50,000, New Athens, Town of, Ill.

Actual loss. Town railroad aid bonds issued without submitting proposition to voters were void. Taxpayer could enjoin

collection of tax although the bonds were registered in state auditor's office. (1873) *Flack* v. *Hughes*, 67 Ill. 384.

$23,000, Oquawka, Village of, Ill.

Actual loss. Lack of statutory authority. No inherent power for village to issue refunding bonds. (1897) *Village of Oquawka* v. *Graves*, 82 Fed. 568. Same issue held void, *Coquard* v. *Village of Oquawka* (1901), 61 N. E. 660.

$60,000, Ottawa, City of, Ill.

Actual loss. City had no power by charter or statute to donate bonds to a private corporation to aid in the improvement of water power. Were void. (1885) *Mather* v. *City of Ottawa*, 3 N. E. 216; 114 Ill. 659. Same issue held void in *Ottawa* v. *Carey* (1883), 108 U. S. 110, but recovery was allowed when held by bona fide purchaser in *Hackett* v. *Ottawa*, 99 U. S. 86, and *Ottawa* v. *First National Bank of Portsmouth*, 105 U. S. 342.

$150,000, Ottawa, Town of, Ill.

Actual loss. Bill for an act was not read on three different days in the state senate and was not passed by a vote of ayes and noes as required by the constitution. It never became a law, although it was reported back to the house of representatives as having passed the senate and was enrolled and approved by the governor. Town railroad aid bonds issued thereunder were void and the collection of a tax to pay interest thereon was enjoined in a taxpayer's suit. (1873) *Ryan* v. *Lynch*, 68 Ill. 160. Same issue held void even as against bona fide purchasers. *Amoskeag Bank* v. *Ottawa*, 105 U. S. 667 (1881).

$100,000, Pana, Town of, Ill.

Actual loss. Charter authority to issue $30,000 of railroad aid bonds was violated by issue of $100,000. Election was presided over by a moderator instead of three judges as required by the general election law. Bona fide purchasers were charged with knowledge of an entire absence of power as distinguished from a defective execution of power. Not ratified by payment of interest nor validated by recitals though held by bona fide purchasers. (1879) *Lippincott* v. *Town of Pana*, 92 Ill. 24.

$100,000, Perry County, Ill.

Actual loss. A statute authorizing county subscription of $100,000 to railroad was violated by an election authorizing a subscription of $150,000, and bonds to the extent of $100,000 which were issued by virtue of that election were void. (1897) *Stebbins* v. *Perry County*, 167 Ill. 567, 47 N. E. 1048.

———, Perry County, Ill.

Actual loss. County railroad aid bonds issued without statutory requirements, and containing no recital that they were issued in accordance with the statute, were void in hands of innocent holder, although they were registered under the provisions of the statute and a certificate to that effect indorsed thereon. (1899) *Bolles* v. *Perry County*, 92 Fed. 479. Same issue held void in *Citizens' Savings & Loan Association* v. *Perry County*, 156 U. S. 692.

$100,000, Perry County, Ill.

Actual loss. County railroad aid bonds were issued on condition that machine shops should be located in a certain place. Shops were located elsewhere and bonds held void. (1888) *Onstott* v. *People*, 15 N. E. 34; 123 Ill. 489.

$95,000, Pulaski County, Ill.

Actual loss. Gift by county of its bonds to aid railroad was unauthorized and the bonds were void. (1892) *Post* v. *Pulaski County*, 49 Fed. 628.

$200,000, Richland County, Ill.

Actual loss. Board of supervisors called a special election to vote on issuing county railroad aid bonds, thus violating the statute requiring such election to be called by the *county court*. Legislature could not validate bonds issued by authority of the invalid election. Bona fide purchasers lost. (1879) *Gaddis* v. *Richland County*, 92 Ill. 119.

$30,000, Roberts, Town of, Ill.

Actual loss. Election called upon application of twelve legal voters and by giving ten days' notice violated the statute requiring twenty legal voters and twenty days' notice. Town railroad aid bonds issued pursuant to such an election were void. Legis-

lature could not validate void election. Bona fide holder not protected by recitals. (1878) *Williams* v. *Town of Roberts*, 88 Ill. 11.

$59,000, Schuyler County, Ill.

Actual loss. County court and not the board of supervisors had power to issue county railroad aid bonds. Were void. (1861) *Board of Supervisors of Schuyler County* v. *People ex rel. Rock Island & Alton R. R. Co.*, 25 Ill. 163.

$25,000 Shawneetown, City of, Ill.

Actual loss. City railroad aid bonds held void in hands of innocent purchaser because an extension of time for completion of the road was granted by the city council without any vote of the people. (1889) *Eddy* v. *People ex rel. Nolan*, 127 Ill. 428.

$648,000 Sny Island, Levee District, Ill.

Actual loss. Levee district bonds issued by authority of an unconstitutional statute were void. (1901) *O'Brien* v. *Wheelock*, 184 U. S. 450.

$20,000, South Ottawa, Town of, Ill.

Actual loss. Railroad aid bonds issued by town were void because the legislative act relied upon as their authority never in fact became a law as the legislative journals failed to show that it was passed by a majority of all the members elect in each house of the general assembly. Bona fide purchasers not protected. (1876) *Town of South Ottawa* v. *Perkins*, 94 U. S. 260.

$70,000, Sparta, City of, Ill.

City authorized by statute to vote on proposition for railroad aid bonds payable within ten years at not exceeding ten per cent, could not be compelled to issue, after vote, bonds payable in twenty years at eight per cent. (1875) *Cairo & St. L. R. Co.* v. *City of Sparta*, 77 Ill. 505.

———, Springfield, City of, Ill.

Collection of taxes to pay interest on bonds issued by city for borrowed money was enjoined by taxpayer because indebtedness exceeded limit. (1877) *City of Springfield* v. *Edwards*, 84 Ill. 626.

$25,000, Stites, Town of, Ill.

Issue of town highway bonds enjoined. Proceeded under wrong act to construct hard road. (1901) *Town of Stites* v. *Wiggins Ferry Co.*, 97 Ill. App. 157.

$36,343.77, Sullivan, City of, Ill.

Contractor not entitled to city improvement bonds because board of local improvements had not filed certificate and court had not entered an order that the improvements complied with the ordinance. (1906) *Case* v. *City of Sullivan*, 222 Ill. 56; 78 N. E. 37.

$25,000, Tazewell, County of, Ill.

Interest of county railroad aid bonds could not be made payable in New York City, hence railroad could not compel issuance although authorized by election of people. (1859) *People* v. *County of Tazewell*, 22 Ill. 147.

———, Urbana, Town of, Ill.

Actual loss. Legislature could not validate railroad aid bonds issued pursuant to a vote of a town when there was no statute authorizing issuance of bonds for such purpose, nor was town estopped from denying validity in hands of innocent purchaser by payment of interest for ten years. (1879) *Leslie* v. *Urbana*, Fed. Cas. 8,276.

$99,500, White County, Ill.

Actual loss. Failure to give full thirty days' notice of election as required by statute and submission of question for subscription to more than one railroad as a single proposition rendered county railroad aid bonds authorized by such election void in hands of innocent holder. (1890) *Williams* v. *People ex rel. Wilson*, 132 Ill. 574.

$23,800, Wilmette, Village of, Ill.

Actual loss. Village special assessment bonds for local improvement were not negotiable and the holder took no better rights than the contractor to whom they were issued. As the contractor fraudulently constructed the improvement different from and inferior to the one provided for in the ordinance, the

holder could not compel the village to pay the bonds. (1906) *Northern Trust Co.* v. *Village of Wilmette,* 220 Ill. 417.

$7,000, Winnetka, Village of, Ill.

Actual loss. No authority to issue village bonds to build a boarding house and dormitory to be used in connection with a free school. Bonds were void though held by innocent purchaser and collection of tax to pay interest was restrained. (1873) *Sherlock* v. *Village of Winnetka,* 68 Ill. 530.

INDIANA

$60,000, Attica, City of, Ind.

Issue enjoined. Statute authorized subscription to stock of railroad or to donate bonds. A contract to issue city bonds upon condition and in consideration of the erection of railroad shops in the city was void. (1877) *Indiana, N. & S. R. Co.* v. *City of Attica,* 56 Ind. 476.

$50,000, Aurora, City of, Ind.

Actual loss. Statute authorized issuance of city railroad aid bonds to road running to the city. Railroad charter did not name the city as being on its line hence bonds held by one of the railroad company's directors was void. (1864) *City of Aurora* v. *West,* 22 Ind. 88.

$12,000, Benton County, Ind.

County not liable for payment of gravel road bonds payable out of money to be collected by special assessment. Were not negotiable. Holder bound to take notice of the statute under which issued. (1899) *Kirsch* v. *Braun,* 53 N. E. 1082.

$13,358.53, Cicero, Town of, Ind.

Actual loss. Holder of town school bonds obtained judgment on them against town but could not compel town to levy and collect tax to pay judgment because there being no express power to levy taxes for that purpose no implied power arose from mere authority to incur the indebtedness. (1889) *United States ex rel. Spitzer* v. *Town of Cicero,* 41 Fed. 83.

———, Covington, Town of, Ind.

Actual loss. Town school bonds were issued without legis-

lative authority and were void. In the absence of a recital of facts, bona fide holder bound to know authority and could not recover. (1881) *Hopper* v. *Town of Covington*, 8 Fed. 777.

$30,000, Daviess, County of, Ind.

Actual loss. Railroad aid bonds were authorized by county vote but before they were issued the constitutional prohibition against such bonds took effect. Bonds issued thereafter were void. (1859) *Aspinwall* v. *Commissioners of Daviess County*, 22 How. 364.

$50,000, Delaware County, Ind.

Issue enjoined by taxpayer. No statutory authority for county to issue railroad aid bonds. (1875) *Board of Commissioners of Delaware County* v. *McClintock*, 51 Ind. 325.

$87,000, Jeffersonville, City of, Ind.

Actual loss. Issue of city refunding bonds enjoined by taxpayer because original bonds issued for money borrowed to contest litigation changing the county seat and erecting courthouse and jail were void in hands of bona fide holder. (1896) *Myers* v. *City of Jeffersonville*, 44 N. E. 452.

———, Lafayette, City of, Ind.

Issue enjoined. No charter power for city to issue railroad aid bonds. (1854) *City of Lafayette* v. *Cox*, 5 Ind. 38.

$50,000, Madison, City of, Ind.

Actual loss. Railroad aid bonds issued by city upon a reconsideration of a petition after it was once rejected were void and taxpayer could compel cancellation of the bonds while held by one having notice. (1882) *City of Madison* v. *Smith*, 83 Ind. 502.

$21,000, Monticello, Town of, Ind.

Actual loss. Lack of legislative authority for town to issue refunding school bonds. No implied power. Purchasers must beware. (1882) *Merrill* v. *Monticello*, 138 U. S. 673.

$25,000, Newton County, Ind.

Issue of county courthouse bonds enjoined. Proper procedure

was by written ordinance duly passed by county council not by motion and order thereof. (1905) *State ex rel. Davis* v. *Board of Commissioners of Newton County,* 74 N. E. 1091.

——, Winamac, Town of, Ind.

Issue of town bonds to rebuild schoolhouse enjoined by taxpayer because debt would exceed limit. (1892) *Town of Winamac* v. *Huddleton,* 31 N. E. 561.

IOWA

$14,000, Ackley, Independent School District of, Ia.

Actual loss. School bonds exceeded debt limit. Void even when held by innocent purchaser. (1876) *Mosher* v. *Independent School District of Ackley,* 44 Ia. 122.

——, Allison and Jackson, Independent Districts of, Ia.

Actual loss. Purchaser of refunding school bonds must take notice that the proceeds were diverted from the purpose represented; that as the proceeds were not used to refund old bonds, a new debt was created which far exceeded the constitutional limit. (1896) *Holliday* v. *Hildebrant,* 66 N. W. 89.

$25,700, Allison, Rural Independent School District of, Ia.

Partial loss. School district bonds exceeded debt limit. Part of bonds were valid when held by bona fide purchaser. (1902) *Salmon* v. *Rural Independent School District of Allison,* 125 Fed. 235.

$75,000, Burlington, City of, Ia.

Actual loss. City railroad aid bonds were not for a "public purpose" within meaning of city charter. When authority was shown upon face of bonds, and it was insufficient, bonds were void in hands of any party. (1865) *Chamberlain* v. *City of Burlington,* 19 Ia. 395.

$11,000, Calliope, Independent School District of, Ia.

Taxpayer could enjoin issue of school bonds by district because they would exceed debt limit. Tax list did not mean assessment roll. (1886) *Wilkinson* v. *Van Orman,* 30 N. W. 495.

$125,000, Cedar Rapids, City of, Ia.

Special city charter contained no authority for issuing bond for building a city hall. Hence sale of bonds restrained. (1907) *Reed* v. *City of Cedar Rapids*, 113 N. W. 773.

$60,000, Council Bluffs, City of, Ia.

Actual loss. Collection of tax to pay interest on city "mill bonds" illegal because the rate of levy exceeded the statutory authority. Also, railroad aid bonds issued under city charter were void because the charter was superseded by an act which took effect before the bonds were issued. (1876) *Jeffries* v. *Lawrence*, 42 Ia. 498.

$25,000, Doon Township, Ia.

Actual loss. Refunding school bonds exceeded debt limit and were void. Holder knew the constitutional limit had been exceeded. (1892) *Doon Township* v. *Cummins*, 142 U. S. 366.

$2,267, Doon, District Township of, Ia.

Actual loss. School district bonds fraudulently issued upon representation that proceeds were to pay off a judgment indebtedness, were void because not authorized and because they created new indebtedness which exceeded limit. Payment of interest for several years did not estop district from asserting invalidity. (1892) *First National Bank* v. *District Township of Doon*, 86 Ia. 330.

$2,500, Gilman, Town of, Ia.

Town bonds issued for general purposes were void for want of power to issue same, but holder could recover for money had and received. (1903) *Fernald* v. *Town of Gilman*, 141 Fed. 941; 123 Fed. 797.

———, Henry County, Ia.

Actual loss. Lack of statutory authority for county to issue railroad aid bonds. Bonds were void. (1863) *Smith* v. *Henry County*, 15 Ia. 385.

———, Johnson, County of, Ia.

Actual loss. County railroad aid bonds issued fraudulently and without statutory authority were void. (1862) *Myers* v. *County of Johnson*, 14 Ia. 47.

———, Keokuk, City of, Ia.

Actual loss. Act attempting to legalize an illegal election was unconstitutional. City railroad aid bonds were void in hands of innocent purchaser because of lack of power to issue. (1876) *Williamson* v. *City of Keokuk,* 44 Ia. 88.

———, Keokuk, City of, Ia.

Actual loss. Lack of authority for issuing city railroad aid bonds. Were void. Collection of tax enjoined. (1863) *Ten Eyck* v. *Mayor of Keokuk,* 15 Ia. 486.

———, Lee County, Ia.

Actual loss. No statutory authority for counties to issue railroad aid bonds. Bonds were void. Levy of tax enjoined. (1862) *McMillan* v. *Boyles,* 14 Ia. 107.

$3,500, Lone Tree, Town of, Ia.

Taxpayer entitled to enjoin issue of town bonds for construction and maintenance of waterworks because questions submitted at election for construction of waterworks were misleading. (1900) *Brown* v. *Carl,* 82 N. W. 1033.

$120,000, Lyon County, Ia.

Partial actual loss. Refunding county bonds were void in hands of bona fide holder to the extent to which they exceeded the debt limit. Recovery to the extent of $29,000 was allowed. (1899) *Ætna Life Insurance Company* v. *Lyon County,* 95 Fed. 325. Same issue held void, *Anderson* v. *Orient Fire Insurance Company,* 88 Ia. 579 (1893).

$26,000, Marshall County, Ia.

Actual loss. Failed to submit to vote of people proposition for issuing bonds to be used in constructing courthouse. Such bonds were void in hands of innocent holder. (1861) *Hull & Argalls* v. *County of Marshall,* 12 Ia. 142.

$50,000, Mt. Pleasant, City of, Ia.

Actual loss. Holder of city railroad aid bonds was not a bona fide purchaser and had knowledge that the proceeds of the bonds were not used for the construction of the road in the county. (1878) *Foote* v. *Mt. Pleasant,* Fed. Cas. 4,914.

$34,000, Ottumwa, City of, Ia.

Actual loss. Statute authorizing city to donate land to railroad company conferred no power to issue negotiable railroad aid bonds and such were void in hands of innocent purchasers. Nor could subsequent holders recover on a quantum meruit. (1906) *Swanson* v. *City of Ottumwa,* 106 N. W. 9.

$100,000, Polk County, Ia.

No statutory authority to issue county bonds for purchase of real estate to be used as courthouse site. Issue enjoined. (1900) *Witter* v. *Board of Supervisors of Polk County,* 83 N. W. 1041.

$36,000, Riverside, Independent School District of, Ia.

Actual loss. Refunding school bonds issued March 11, 1882, in excess of constitutional limit to take up other bonds which exceeded the limit were void in the hands of all persons, regardless of recitals. (1896) *Shaw* v. *Independent School District,* 77 Fed. 277.

$2,500, Riverside Independent School District, Ia.

Actual loss. School bonds exceeded debt limit and were invalid without regard to any recitals which they contained, in hands of holder for value. (1892) *Nesbit* v. *Riverside Independent District,* 144 U. S. 610.

———, Riverside, Independent School District of, Ia.

Actual loss. A recital that school bonds were issued "under" a statute put purchaser on guard to look at the statute and see that the limit of indebtedness had been exceeded,—thus differing from a recital of issuance "in conformity with" or "in pursuance of." Such bonds were void in hands of innocent purchasers. Were two series, the first issued in June, 1880, and the other in July, 1881, the latter to refund prior indebtedness. (1885) *Bates* v. *Independent School District of Riverside,* 25 Fed. 192.

$27,500, Rock Rapids, Independent School District of, Ia.

Partial actual loss. Held, that holder of school bonds could file bill in equity to determine what part of his bonds were valid and what void as exceeding debt limit. Part admittedly void.

(1900) *Everett* v. *Independent School District of Rock Rapids,* 102 Fed. 529.

$375,000, Scott, County of, Ia.

Issue of railroad aid bonds enjoined. County had no statutory authority. (1859) *Stokes* v. *County of Scott,* 10 Ia. 166.

$15,000, Steamboat Rock, Independent School District of, Ia.

Actual loss. School bonds were void because they exceeded constitutional limit of indebtedness. A recital that the bonds were issued pursuant to an election and by authority of a certain law did not estop the district even against bona fide holder. (1882) *School District* v. *Stone,* 106 U. S. 183.

$100,000, Wapello, County of, Ia.

Constitution did not authorize counties to issue railroad aid bonds. Subscription by county unenforceable. (1862) *State* v. *County of Wapello,* 13 Ia. 388.

———, Washington County, Ia.

Actual loss. Act authorizing counties to aid railroads by issuance of bonds was unconstitutional. Collection of tax to pay interest enjoined by taxpayer. (1868) *McClure* v. *Owen,* 26 Ia. 243.

$20,000, Woodbury County, Ia.

Contract by county to issue its bonds was unenforceable because it failed to submit to voters the proposition for purchasing courthouse. (1862) *Casady* v. *Woodbury County,* 13 Ia. 113.

KANSAS

$5,000, Abilene, City of, Kan.

Actual loss. Although city refunding school bonds recited they were issued in conformity to and in compliance with a certain act, yet held void in the hands of innocent purchaser, because they were authorized by a *resolution* instead of by an *ordinance* as required by statute; nor did they refund any lawful debt. (1898) *Edminson* v. *City of Abilene,* 54 Pac. 568.

$21,000, Agency, Township of, Kansas.

Could not compel issuance of township railroad aid bonds as

they would exceed debt limit. (1888) *Chicago, K. & W. Ry. Co.* v. *Freeman,* 38 Kan. 597, 16 Pac. 828.

$160,000, Anderson County, Kan.

Actual loss. County railroad aid bonds were void because meeting of county board at which subscription was authorized was held without notice to one member thereof. (1876) *Paola & Fall River Ry. Co.* v. *Commissioners of Anderson County,* 16 Kan. 302.

———, Atchison, City of, Kan.

Issue of school bonds by first class city enjoined because of lack of authority of board of education to issue them. (1879) *Board of Education of City of Atchison* v. *Kansas,* 26 Kan. 44.

$10,000, Atchison, City of, Kan.

Refunding bonds issued by city without statutory authority were void but holders of original bonds would be protected. (1888) *Brown* v. *City of Atchison,* 17 Pac. 465; 39 Kan. 37.

$100,000, Barbour County, Kan.

Actual loss. County railroad aid bonds were fraudulently issued and were void. Recital that they were issued under a certain statute charged bona fide purchaser with notice that such statute required registry by state auditor and delivery by state treasurer. (1880) *Lewis* v. *Barbour County,* 3 Fed. 191.

$10,000, Blue Rapids, Township of, Kan.

Actual loss. Township bonds issued to a manufacturing company to assist in building a dam were void because the act purporting to be their authority was unconstitutional as authorizing public aid to a purely private enterprise. A recital in the bonds that they were issued pursuant to a certain act charged the holder with knowledge of the constitutionality of the act. (1880) *Central Branch U. P. R. Co.* v. *Smith,* 23 Kan. 525.

$150,000, Bourbon, County of, Kan.

Actual loss. A vote to issue county railroad aid bonds to "any corporation now organized or that may hereafter be organized" was illegal and violated the statute requiring that an

existing corporation must be named. County commissioners fraudulently canvassed the votes, which appeared upon the face of their return by the omission of certain townships. Bonds were void and bona fide purchasers were charged with the lack of authority of commissioners to issue them. (1873) *Lewis* v. *Bourbon County*, 12 Kan. 186.

$614.15, Center Township, Kan.

Town voted to subscribe $27,000 to railroad and to issue its bonds in payment. Railroad could enforce agreement except as to $614.15 which exceeded debt limit. (1882) *Turner* v. *Board of Commissioners of Woodson County*, 27 Kan. 314.

$30,000, Comanche County, Kan.

Statute gave county power to issue bonds "when a deficit actually occurred" in the county finances. No deficit occurred but the bonds were issued "to meet current expenses of the county in case of a deficit in the county revenue." Held, void in hands of innocent purchaser. Recitals did not estop county. *Lewis* v. *Comanche County*, 35 Fed. 343.

———, Fargo Township, Kan.

Actual loss. Township was prohibited from issuing railroad aid bonds within one year after the organization of the county. The date of the bonds charged a purchaser with notice of their invalidity and they could not be validated by any subsequent act of ratification or estoppel. (1901) *Sage* v. *Fargo Township*, 107 Fed. 383.

$15,000, Faulkenstein Township, Kan.

Actual loss. Township bonds issued in exchange for an agreement to build a sugar mill were void. Purchaser bound to take notice of the township records, and to examine their legality. (1896) *Faulkenstein Township* v. *Fitch*, 43 Pac. 276.

$15,000, Ingalls Township, Kan.

Actual loss. Refunding town bonds issued pursuant to a vote and canvassed by an unauthorized board were void. Original bonds issued in aid of private enterprise were void. (1897) *Brown* v. *Ingalls Township*, 81 Fed. 485.

$50,000, Iola, City of, Kan.

Actual loss. A special act legalizing a certain election and authorizing the city to issue bonds in aid of a private enterprise was unconstitutional and bonds were void. Innocent purchaser was bound to take notice of want of power. (1873) *National Bank* v. *City of Iola*, 9 Kan. 689.

———, Johnson County, Kan.

Actual loss. County railroad aid bonds otherwise void were not validated by a certain act changing the mode of levying and collecting taxes. (1874) *January* v. *Johnson County*, Fed. Cas. 7,219.

———, Kansas City, City of, Kan.

No power to issue city bonds for paving streets without a petition signed by a majority of the owners abutting on the street. Issue enjoined. (1899) *State ex rel. Miller* v. *City of Kansas City*, 57 Pac. 118.

———, Kearney County, Kan.

Statute prohibited counties from issuing school bonds within one year after organization. All purchasers charged with notice that bonds were issued within the year and bonds were void in hands of bona fide purchaser. Recitals did not cure utter want of power. (1893) *Coffin* v. *Board of Commissioners of Kearney County*, 57 Fed. 137.

$400,000, Leavenworth, City of, Kan.

Submission of proposition to voters to purchase or construct waterworks was dual and the election was void. Issue of bonds restrained. (1904) *City of Leavenworth* v. *Wilson*, 76 Pac. 400.

$150,000, Miami, County of, Kan.

Actual loss. Proposition submitted to voters of county failed to name the recipient of railroad aid. Bonds void. (1873) *Missouri River, Ft. S. & G. R. Co.* v. *County of Miami*, 12 Kan. 230.

$11,000, Neosho Falls, City of, Kan.

Actual loss. City bonds issued to aid private enterprise (woolen mill) were ultra vires and void. (1876) *McConnell* v. *Hamm*, 16 Kan. 228.

$5,000, Nuckolls County, School District No. 9 of, Kan.

Actual loss. School district having only three legal voters in it issued bonds to build schoolhouse without a request signed by five legal voters or notice of election as required by statute. Such bonds were void in hands of innocent purchaser. *State ex rel. Phillips* v. *School District No. 9, Nuckolls County,* 7 N. W. 315.

$6,000, Osawkee Township, Kan.

Act providing for issuance of "relief bonds" was not for a public purpose and was unconstitutional. Issue enjoined. (1875) *State ex rel. Griffith* v. *Osawkee Township,* 14 Kan. 418.

$11,000, Oswego Township, Kan.

Actual loss. Township was entitled to have railroad aid bonds cancelled as they exceeded debt limit. Had been registered by state auditor upon a fraudulent certificate of indebtedness. (1890) *Wilson* v. *Union Savings Assn.,* 42 Fed. 421.

$10,000, Oxford, Township of, Kan.

Actual loss. Township bonds issued to aid private enterprise in building bridge were void. Statute requiring thirty days' notice of election was violated by giving only eighteen days' notice and as the defect appeared upon the face of the bonds, the holder was not an innocent purchaser. (1876) *George* v. *Township of Oxford,* 16 Kan. 72. Same issue held void in *Crow* v. *Oxford,* 119 U. S. 215 (1886), which held further that the certificate of the state auditor indorsed on each bond that it was "regularly and legally issued" did not aid the holder "because the bonds were not such as the auditor was authorized by that act to register and certify." Same issue also held void in *McClure* v. *Township of Oxford,* 94 U. S. 429 (1876).

$2,913, Shawnee County, Kan.

Actual loss. Power to issue county courthouse warrants conferred no authority to issue bonds for such purpose. The void bonds were not legalized by curative legislative act. (1863) *Shawnee County* v. *Carter,* 2 Kan. 115.

$150,000, Spring Valley Township, Kan.

Actual loss. Township railroad aid bonds which lacked signa-

ture of county clerk were void. The certificate of registration by state auditor was not conclusive of validity. Not estopped by recital in bonds. (1884) *Bissel* v. *Spring Valley Township*, 110 U. S. 162.

$100,000, Topeka, City of, Kan.

Actual loss. City bonds issued as a donation to a manufacturing enterprise were void because the act relied upon was unconstitutional. (1874) *Loan Association* v. *Topeka*, 87 U. S. 655.

KENTUCKY

$6,000, Covington, City of, Ky.

Failed to submit proposition for issuance of city street improvement bonds to voters. Permission to issue denied. (1896) *City of Covington* v. *McKenna*, 99 Ky. 508; 36 S. W. 518.

$67,350, Daviess County, Ky.

Actual loss. County judge was authorized by election to issue $250,000 county railroad aid bonds but he fraudulently overissued the bonds to the extent of $67,350. Overissue was void even as against a purchaser before maturity for value without notice. Certificate of legality of county judge was of no effect. (1886) *Daviess County* v. *Dickinson*, 117 U. S. 657.

$4,000, Fordsville School District, Ky.

School district bonds issued without vote of legal voters as required by statute were void but holders were allowed to follow proceeds in subsequent action. (1905) *Board of Trustees of Fordsville* v. *Postel*; 88 S. W. 1065.

$250,000, Green County, Kentucky.

Actual loss. Railroad aid bonds. Persons must take notice of the terms of subscription, and also that railroad was not fully constructed. Payment of interest on the bonds by the county for some years would not validate them. Were void in hands of bona fide purchaser. (1903) *Green County* v. *Shortell*, 75 S. W. 251.

$50,000, Lexington, City of, Ky.

Issue of city school bonds enjoined because there was lack of statutory authority for submitting question to voters, and such

election could not be validated by a subsequent special statute. (1900) *Berkley* v. *Board of Education*, 58 S. W. 506.

$1,000,000, Louisville, City of, Ky.

Issuance of city bonds for park purposes enjoined because officials failed to submit proposition to voters. (1896) *Belknap* v. *City of Louisville*, 99 Ky. 474; 36 S. W. 1118.

$500,000, Louisville, City of, Ky.

Injunction granted against issue of city bonds to allow recanvass of votes. (1901) *City of Louisville* v. *Board of Park Commissioners*, 65 S. W. 860.

$100,000, Montgomery County, Ky.

Subscription for county railroad aid bonds enjoined because the statute was repealed by the constitution and because the debt limit would be exceeded. (1901) *Whitney* v. *Kentucky Midland Ry. Co.*, 63 S. W. 24.

——, Newport, City of, Ky.

Issue of city school bonds enjoined because debt limit would be exceeded. (1900) *Broad* v. *Board of Education*, 57 S. W. 612.

$25,000, Parkland, Town of, Ky.

Special charter amending charter of town was either unconstitutional or misleading and issuance of street bonds pursuant thereto were enjoined. (1889) *Town of Parkland* v. *Gains*, 88 Ky. 562; 11 S. W. 649.

LOUISIANA

$50,000, Baton Rouge, City of, La.

Actual loss. City ordinance authorizing railroad aid bonds failed to provide means of payment of principal and interest. Not ratified. Void in hands of innocent holder. (1884) *Knox* v. *City of Baton Rouge*, 36 La. An. 427.

$25,000, Donaldsonville, Town of, La.

Partial loss. Town bonds issued for general purposes were valid only to the extent of provision made for their payment by ordinance or resolution and bona fide holder could not collect

any further sum. (1881) *Oubre* v. *Town of Donaldsonville*, 33 La. An. 386.

$30,450, Iberville, Parish of, La.

Actual loss. Police jury had no lawful authority to issue parish bonds to purchase slaves employed in building levee. Were void. (1871) *Breaux* v. *Parish of Iberville*, 23 La. An. 232.

———, Iberville, Parish of, La.

Actual loss. Police jury of parish had no authority to issue road and bridge bonds. Were void. (1871) *Marionneaux* v. *Parish of Iberville*, 23 La. An. 251.

$39,600, Plaqueminer, Parish of, La.

Actual loss. Parish bonds issued by fraud and gross carelessness without authority in exchange for void warrants, were void. Holder charged with notice of facts attending issuance. (1879) *Johnson* v. *Butler*, 31 La. An. 770.

$1,500, Red River, Parish of, La.

Actual loss. Courthouse bonds issued by parish were void because police jury failed to pass ordinance as required by statute. (1877) *Lisso* v. *Parish of Red River*, 29 La. An. 590.

$50,000, St. Bernard, Parish of, La.

Police jury of parish had no authority to issue road bonds. Issue enjoined. (1904) *Favalora* v. *Police Jury of Parish of St. Bernard*, 36 So. 467.

$260,000, Shreveport, City of, La.

Actual loss. Lack of statutory authority for city to issue railroad aid bonds. Were void. (1884) *Scott's Exrs.* v. *City of Shreveport*, 20 Fed. 714. Same issue held void even in hands of innocent purchaser, *Lewis* v. *City of Shreveport*, 108 U. S. 282 (1883). Nor could the city validate the bonds by ratification without legislative authority.

$13,000, Shreveport, City of, La.

Actual loss. No charter power for city to issue bonds to purchase stock in gas lighting plant. Ordinance creating debt failed to impose a tax for its extinguishment. Were invalid even

in hands of bona fide purchaser. (1877) *Wilson* v. *City of Shreveport,* 29 La. An. 673.

$4,600, Tensas, Parish of, La.

Actual loss. There was no express or implied legislative authority for parish to issue refunding bonds to take up outstanding levee warrants. Were void in hands of bona fide purchaser. (1872) *Police Jury* v. *Britton,* 15 Wall. 566.

MARYLAND

$10,000, Cumberland, City of, Md.

Failed to submit proposition for city bridge bonds to voters. Issue enjoined. (1871) *Mayor, etc., of Cumberland* v. *Magruder,* 34 Md. 381.

$12,500, Prince George County, Md.

Actual loss. Statute authorizing county bonds contained a defect which rendered them nonnegotiable. Bona fide purchaser lost. (1898) *Duckett* v. *National Bank,* 88 Md. 8; 41 Atl. 161.

$25,000, Talbot County, Md.

Issue of county railroad bonds enjoined because special act was unconstitutional, because the railroad had become insolvent prior to the passage of the act. (1895) *Baltimore & E. S. R. Co.* v. *Spring,* 80 Md. 510; 31 Atl. 208.

MASSACHUSETTS

$20,000,000, Boston, City of, Mass.

Issue enjoined. Act authorizing the city of Boston to issue bonds and lend the proceeds on mortgage to the owners of land, the buildings upon which were burned by the great fire of 1872, was unconstitutional, being for a private and not public purpose. (1873) *Lowell* v. *City of Boston,* 111 Mass. 454.

MICHIGAN

$8,500, Ashley, Village of, Mich.

Actual loss. A resolution of the village council authorizing president and clerk to *sign* waterworks bonds did not authorize president to *deliver* the bonds which were void in hands of bona fide holder. (1892) *Portsmouth Savings Bank* v. *Village of Ashley,* 91 Mich. 670; 52 N. W. 74.

UNIV. OF
CALIFORNIA

$100,000, Bay City, Mich.

Act authorizing railroad aid bonds was unconstitutional because not for a public purpose. City could compel cancellation of its bonds deposited with state treasurer. (1871) *People ex rel. Bay City* v. *State Treasurer*, 23 Mich. 499.

$100,000, Bay County, Mich.

Issue of county road bonds enjoined. Statute authorizing issue of bonds to mature in fifteen years was violated by a vote on a proposition to issue bonds maturing in thirty years. Bonds could not be validated by subsequent legislative act. (1901) *Shearer* v. *Board of Supervisors of Bay County*, 87 N. W. 789.

$15,800, Bellaire, Village of, Mich.

No statutory authority for village to borrow money for maintenance of waterworks, nor had council determined amount to be raised for construction of waterworks. Hence election on proposition was void. Issue restrained. (1908) *Richardi* v. *Village of Bellaire*, 116 N. W. 1066.

$300, Blanchard, Village of, Mich.

Actual loss. Village bonds issued for fire apparatus were void for failure to submit proposition to vote of people. Bona fide purchaser not protected by recital "issued in conformity with the general laws of the State." (1890) *Spitzer* v. *Village of Blanchard*, 46 N. W. 400.

$35,000, Cheboygan County, Mich.

Statute required payment of bonds within fifteen years. Election authorizing county courthouse bonds payable in thirty years was void. Issue enjoined. (1894) *McMullen* v. *Ingham*, 61 N. E. 260; 120 Mich. 608.

$10,000, Clarendon, Township of, Mich.

The township could not be compelled to issue its bonds in accordance with a subscription to railroad aid because there was no statutory authority authorizing the issuance of such bonds. (1889) *Young* v. *Clarendon*, 132 U. S. 340.

$200,000, Detroit, City of, Mich.

Issuance of city park bonds could not be compelled for lack of

statutory authority. (1873) *People ex rel. Board of Park Commissioners* v. *Common Council of Detroit*, 28 Mich. 228.

$150,000, Grand Rapids, City of, Mich.

Issue enjoined. Resolution of council to issue bonds for erection of a lighting plant insufficient without vote of electors, as provided by city charter. (1897) *Farr* v. *City of Grand Rapids*, 112 Mich. 99; 70 N. W. 411.

$150,000, Ironwood, City of, Mich.

Actual loss. City bonds to pay floating indebtedness stated that they were issued under a certain act. As that act provided for the election of a new set of city officials, such officers and not the old officials should have executed the bonds and the bonds were invalid even in the hands of bona fide purchasers. The illegality was disclosed on the face of the bonds. (1896) *Manhattan Company* v. *City of Ironwood*, 74 Fed. 535. Recovery of purchase money was allowed in *Chelsea Savings Bank* v. *City of Ironwood* (1904), 130 Fed. 410.

$1,000, Lamotte, Town of, Mich.

Actual loss. Township board had no authority without a vote of the electors to issue road bonds. Were void. Interest had been paid but bona fide holder must take notice of lack of authority. (1890) *Bogart* v. *Township of Lamotte*, 79 Mich. 294; 44 N. W. 612.

$2,000, Mecosta, Village of, Mich.

Actual loss. Village bonds to aid a private enterprise, a grist mill, were invalid. Plaintiff was bona fide holder. (1901) *Thompson* v. *Village of Mecosta*, 86 N. W. 1044.

$10,000, Paw Paw, Township of, Mich.

Judge was compelled to issue injunction against issue of illegal railroad aid bonds by township. (1898) *Dodge* v. *Van Buren*, 76 N. W. 315.

$37,500, Port Huron, City of, Mich.

Actual loss. Act authorizing cities to issue railroad aid bonds was unconstitutional and bonds issued thereunder were void. (1873) *Thomas* v. *City of Port Huron*, 27 Mich. 320.

$50,000, St. Croix County, Mich.

Issue of county buildings bonds enjoined because resolution failed to provide a tax to meet payment of principal and interest. (1900) *Kyes* v. *St. Croix County*, 83 N. W. 637.

———, Salem, Township of, Mich.

Act authorizing municipalities to aid railroads by issuance of bonds was unconstitutional because it would be assisting a private enterprise. Railroad could not compel township to issue its bonds. (1870) *People ex rel. D. & H. R. Co.* v. *Township Board of Salem*, 20 Mich. 452.

$10,000, Shiawassee County, Mich.

Actual loss. County board of supervisors had no statutory power to borrow money by issue of notes to defray current expenses. Holder charged with knowledge of statutory or organic law. (1908) *McCurdy* v. *Shiawassee County*, 118 N. W. 625.

MINNESOTA

———, Detroit, Village of, Minn.

Issue of village bonds (object not stated) enjoined after being authorized by election because petition was signed by only twenty-four instead of twenty-five qualified petitioners. *Hamilton* v. *Village of Detroit* (1901), 88 N. W. 419.

$2,106,000, Duluth, City of, Minn.

Form of ballot did not fairly submit proposition for issuance of city bonds for construction or erection of water and light plant. Election set aside, issue enjoined. (1895) *Thruelsen* v. *Mayor of Duluth*, 3 N. W. 714; 61 Minn. 48.

$300,000, Duluth, City of, Minn.

Issue of city waterworks bonds enjoined. Authority given by previous election was superseded by subsequent election. (1898) *Moore* v. *City of Duluth*, 76 N. W. 1022.

$3,000, Duluth, Township of, Minn.

Actual loss. Statutory authority for town to issue *bridge* bonds only, conferred no authority to issue bonds for constructing and improving *roads and bridges*. Bonds for such purpose were void and were not validated by a special act, which

impliedly exempted such bonds from its provisions. (1906) *Clagett* v. *Duluth Township*, 143 Fed. 824.

$15,000, East Grand Forks, City of, Minn.

Issue of city waterworks bonds enjoined, being in excess of debt limit. (1904) *Purcell* v. *City of East Grand Forks*, 98 N. W. 351.

$40,000, Elgin, Town of, Minn.

Actual loss. Same facts as in *Winona & St. Peter Railroad* v. *Plainview*. (1892) *Winona & St. Peter Railroad* v. *Elgin*, 143 U. S. 371.

———, Plainview, Town of, Minn.

Act unconstitutional. Issue of town railroad aid bonds enjoined. (1880) *Harrington* v. *Town of Plainview*, 6 N. W. 777.

$50,000, Plainview, Town of, Minn.

Actual loss. Railroad aid. Statute authorizing *taxpayers of* a town to sanction railroad bond issue was unconstitutional, because it authorized persons other than the *electors* of a town or the officers chosen by such electors to incur indebtedness. The town issued bonds to the railroad and the latter sold them to bona fide purchasers. The purchasers brought suit against the town and recovered judgment for the amount of the bonds. The town then claiming the bonds were invalid and illegally issued brought this action against the railroad which was sustained. (1892) *Winona & St. Peter Railroad* v. *Plainview*, 143 U. S. 371. Same issue held void in *Harrington* v. *Plainview Railroad Company*, 27 Minn. 224.

———, Ramsey County, Minn.

Actual loss. Act authorizing county commissioners to issue county orders for street improvements gave them no power to issue county bonds, and such were invalid in the hands of any purchaser. (1865) *Goodnow* v. *Commissioners of Ramsey County*, 11 Minn. 31.

$2,000, Rocksbury, Town of, Minn.

Actual loss. Town bonds for general purposes exceeded debt limit and were void. Defect not cured by a recital in the bonds

of compliance with all legal requirements. Interest had been paid. A public record determined the amount of the authorized issue which bona fide holder should have taken notice of. (1905) *Corbet* v. *Town of Rocksbury*, 103 N. W. 11.

$40,000, Sauk Rapids, Village of, Minn.

Special act authorizing village to issue bonds to develop water-power enterprise was unconstitutional because the object was partly public and partly private and could not be distinguished. Nature of action not stated. (1887) *Coates* v. *Campbell*, 35 N. W. 366.

$21,250, Stillwater, City of, Minn.

Actual loss. Action on certificates of indebtedness issued for street improvements, failed for want of power in the city to issue them. (1892) *Bangor Savings Bank* v. *City of Stillwater*, 49 Fed. 721.

MISSISSIPPI

$100,000, Aberdeen, City of, Miss.

Actual loss. Lack of any charter or legislative authority for city to issue railroad aid bonds. Were not validated by curative act. (1887) *Katzenberger* v. *City of Aberdeen*, 121 U. S. 172.

$125,000, Carroll County, Miss.

Issue of county railroad aid bonds enjoined because consent of two-thirds of qualified voters as required by constitution meant two-thirds of voters of county and not of those voting only. (1874) *Hawkins* v. *Carroll County*, 50 Miss. 735. In a different suit regarding the same bonds *Carroll County* v. *Smith* (1884), 111 U. S. 556, the issue was held valid on the ground that the constitution referred to the voters actually voting instead of all voters of the county qualified to vote.

$37,000, Clarksdale, Town of, Miss.

Failed to publish notice of election for issuance of town water-works, sewerage and electric light bonds. Issue enjoined. (1900) *Town of Clarksdale* v. *Broaddus*, 28 So. 954.

———, Columbus, Town of, Miss.

Actual loss. Mayor and alderman had no charter power to

issue town railroad aid bonds. Void though held by innocent purchaser. Recital that bonds were issued "under and pursuant to the constitution and laws of Mississippi, the charter of the town of Columbus, and ordinances passed by the mayor and alderman and authorized by a vote of the people of said town at a special election, etc.," did not estop town from pleading illegality. (1877) *Sykes* v. *Mayor, etc., of Columbus*, 55 Miss. 115.

$8,000, Hazlehurst, City of, Miss.

Lack of authority for city to issue bonds for purchase of park. Issue enjoined. (1910) *City of Hazlehurst* v. *Mayer*, 51 So. 890.

$75,000, Holly Springs, City of, Miss.

Actual loss. Railroad aid bonds issued by city pursuant to a special election were void even when held by bona fide purchaser because of total lack of statutory power for that purpose. City was not estopped by recitals on face of bonds nor were they ratified by a special act of legislature. (1885) *Hayes* v. *Holly Springs*, 114 U. S. 120.

$75,000, Madison County, Miss.

Actual loss. Majority of "all legal voters" meant all of county and not those alone who actually voted. County could compel cancellation of railroad aid bonds although it had paid interest thereon. (1880) *Board of Supervisors of Madison County* v. *Paxton*, 57 Miss. 701.

———, Okolona, Town of, Miss.

Actual loss. Town railroad aid bonds payable twenty years after date violated statute requiring payment within ten years from date and were void. Recitals were not conclusive in favor of purchaser for value. (1880) *Woodruff* v. *Okolona*, 57 Miss. 806.

$16,000, Okolona, Town of, Miss.

Actual loss. Statute authorizing issuance of railroad aid bonds by town payable within ten years was violated by bonds payable from eleven to seventeen years after their date and were void in hands of innocent holder. (1892) *Barnum* v. *Okolona*, 148 U. S. 393.

$150,000, Pontotoc County, Miss.

Actual loss. No legislative authority for board of supervisors of county to issue railroad aid bonds. Were void in hands of holder for value. (1880) *Wells* v. *Supervisors*, 102 U. S. 625.

$1,500, Rienzi, Village of, Miss.

Issue of village school bonds enjoined because of failure of proper number of "electors" to vote in favor of the proposition. (1906) *Greene* v. *Village of Rienzi*, 40 So. 17.

$125,000, Rosedale, Town of, Miss.

Actual loss. Town railroad aid bonds issued on condition of completion of road by certain time, were nullified for failure to comply with condition. Being void could be cancelled. *Clark* v. *Town of Rosedale*, 12 So. 600.

$100,000, Vicksburgh, City of, Miss.

City bond issue to take up already existing indebtedness which exceeded the limit was unauthorized and issue was enjoined. (1905) *Smith* v. *City of Vicksburgh*, 38 So. 301.

MISSOURI

$90,000, Bates, County of, Mo.

Actual loss. Authority given by voters of county to subscribe to stock of a certain railroad did not authorize the issuance of bonds to a different railroad although the latter represented a consolidation with the former. Such bonds were void in hands of bona fide holder. (1877) *County of Bates* v. *Winters*, 97 U. S. 83. Same issue again held void in *Harshman* v. *Bates County* (1875), 92 U. S. 569, and *Edwards* v. *Bates County* (1902), 117 Fed. 526.

$12,000, Bethany, City of, Mo.

Proposition submitted to voters for the issuance of city bonds for constructing a public building and improving waterworks and electric light plant could not be submitted as one proposition to be answered "yes" or "no" and bonds for such purpose could not be registered. (1905) *State ex rel. City of Bethany* v. *Allen*, 85 S. W. 531.

$40,000, Centralia, City of, Mo.

Mandamus to register city waterworks bonds would not lie because the mayor's signature to the council's journal was insufficient to show his approval of the ordinance and the council's minutes showing population were insufficient. (1908) *State ex rel. City of Centralia* v. *Wilder*, 109 S. W. 574.

$13,500, Charington, School District No. 3 of, Mo.

Actual loss. Records of school board failed to show compliance with statute and bonds exceeded debt limit; recitals in the bonds of legality did not give rise to an estoppel in favor of bona fide purchaser before maturity, nor did the fact that the money was used in the construction of the schoolhouse render the bonds enforceable. (1903) *Thornburgh* v. *School District No. 3*, 75 S. W. 81.

$100,000, Chillicothe, City of, Mo.

Power to issue bonds for erection or construction of a waterworks and electric light plant conveyed no authority to issue city bonds to maintain and operate the same. Mandamus to compel state auditor to register such bonds denied. (1906) *State ex rel. City of Chillicothe* v. *Wilder*, 98 S. W. 465.

$190,000, Clark County, Mo.

Actual loss. County railroad aid bonds issued to agent of county to be delivered by him conditionally were fraudulently delivered by him. Holder was not bona fide purchaser and could not recover. (1882) *Whitford* v. *Clark County*, 13 Fed. 644 and 837.

$9,000, Clarksville, City of, Mo.

City was without power to issue its negotiable bonds for improving streets and wharves and buying cemetery and same were void but holder could recover for money originally paid for them. (1880) *Gause* v. *City of Clarksville*, 1 Fed. 353; same case, Fed. Cas. 5,276 (1879).

$10,000, Columbia, City of, Mo.

Waterworks and electric light bonds were part of city indebtedness and proposed issue of city sewer bonds would there-

fore exceed the limit of indebtedness. Registration denied. *State ex rel. City of Columbia* v. *Wilder*, 94 S. W. 495.

$60,000, Daviess County, Mo.

Actual loss. County railroad aid bonds held void in hands of bona fide purchaser for value because an agreement made by inhabitants along the route to tax themselves could not make a bonded indebtedness for the whole county. (1880) *Ogden* v. *County of Daviess*, 102 U. S. 634.

———, Lafayette County, Mo.

Actual loss. County railroad aid bonds were void in hands of bona fide purchaser because railroad had no charter authority to construct road in that county and because the question of issuance was never submitted to voters. (1875) *Sherrard* v. *Lafayette County*, Fed. Cas. 12,771.

$200,000, La Grange, City of, Mo.

Actual loss. City bonds issued pursuant to a legislative act to aid a private enterprise were void as the act was unconstitutional. (1885) *Cole* v. *LaGrange*, 113 U. S. 1.

$40,000, Lathrop, Town of, Mo.

Actual loss. Did not appear that town railroad aid bonds were authorized by an election legally conducted in that there were no judges of election, no poll books were kept, no return of election to any officer of body authorized to declare the result, and no registration of voters had been made and certified or authenticated. Recitals did not protect innocent holder. (1873) *Carpenter* v. *Inhabitants of Town of Lathrop*, 51 Mo. 483.

———, Lincoln County, Mo.

Actual loss. County bonds were void for failure to register in office of state auditor. (1883) *Douglas* v. *Lincoln County*, 5 Fed. 775.

$21,000, Louisiana, City of, Mo.

City refunding bonds were antedated to avoid effect of an act requiring registration by state officials. Bonds were void, but recovery of money paid was allowed. (1880) *Louisiana* v. *Wood*, 102 U. S. 294.

$175,000, Macon, County of, Mo.

Actual loss. Bona fide holder of county railroad bonds could not compel levy of tax to pay interest because bonds were not authorized by two-thirds of qualified voters and because the tax would exceed the debt limit. (1874) *State ex rel. Aull* v. *Shortridge,* 56 Mo. 126; same issue, *State ex rel. Watkins* v. *Macon County* (1878), 68 Mo. 29.

$6,000, Marceline, City of, Mo.

Actual loss. City electric lighting plant bonds exceeded debt limit and were void even in hands of bona fide holder, although the bonds had been registered by the state auditor, and his certificate of regularity appeared on the bond. (1895) *Prickett* v. *City of Marceline,* 65 Fed. 469.

$50,000, Marion, Township of, Mo.

Actual loss. Railroad aid bonds issued by township were antedated to avoid necessity of registering with state auditor, being dated the day of the subscription instead of the day of actual issuance. Were void in hands of innocent purchaser. (1879) *Anthony* v. *County of Jasper,* 101 U. S. 693.

$30,000, Memphis, Town of, Mo.

Actual loss. Railroad aid bonds were void. Act unconstitutional. Power of a town to subscribe for stock in a railroad company did not include the power to create a debt and to issue negotiable bonds representing it in order to pay for the subscription. (1890) *Hill* v. *City of Memphis,* 134 U. S. 198. Same issue held void in lower court because twelve days instead of thirty days' notice of election was given. 23 Fed. 872. Same issue, *Dodge* v. *City of Memphis* (1892), 51 Fed. 165, held void.

$50,000, Moberly, Town of, Mo.

Actual loss. Railroad aid bonds issued by town pursuant to a statute authorizing such bonds upon the assent of a *majority* of the qualified voters were void and the act unconstitutional because the constitution required the assent of two-thirds of such voters. (1880) *Jarrolt* v. *Moberly,* 103 U. S. 580.

$10,000, Nevada, City of, Mo.

Actual loss. Railroad aid bonds of city were void in hands of

innocent purchaser because act relied upon requiring assent of only a *majority* of qualified voters instead of *two-thirds* was unconstitutional. (1892) *Morton* v. *City of Nevada*, 52 Fed. 350.

$50,000, Platte, County of, Mo.

Actual loss. Railroad aid bonds of county issued by taxable inhabitants of a strip through which the road ran were void for lack of statutory authority. An act attempting to legalize the illegal election was unconstitutional. Bona fide purchaser was charged to know the effect of recitals. (1880) *Dodge* v. *County of Platte*, 82 N. Y. 218. Same issue held void (1890) *Deland* v. *Platte County*, 54 Fed. 823. Recitals did not bind county. Nor could they be ratified because there was no power to perform the original act.

———, St. Joseph, City of, Mo.

Actual loss. No statutory authority for issue of school bonds by city. (1880) *Erwin* v. *St. Joseph Board of Public Schools*, 12 Fed. 680.

$3,500, Salem School District, Mo.

Issue enjoined. Notice of election failed to state place for election. Statutory authority to issue bonds to purchase a site for a school building did not convey authority even by vote to erect school on old site. (1909) *Martin* v. *Bennett*, 122 S. W. 779.

$70,000, Saline County, Mo.

Statute authorizing issue of railroad aid bonds by county when sanctioned by a majority vote "specifying the amount" was not complied with by a vote upon a proposition for or against an amount "not exceeding $70,000." Issuance could not be compelled. (1870) *State* v. *Saline County Court*, 45 Mo. 242.

———, Sniabar Township, Mo.

Actual loss. Township railroad aid act was unconstitutional and bonds issued thereunder were void into whosoever hands they came. (1878) *Webb* v. *Lafayette County*, 67 Mo. 353.

MONTANA

$50,000 Silverbow County, School District No. 1 of, Mont.

Notice of school election to issue bonds failed to designate a

polling place. Proceedings illegal. (1901) *Hauswirth* v. *Mueller*, 64 Pac. 324.

$280,000, Helena, City of, Mont.

Issue enjoined. Constitution authorizing city bond issue when necessary to construct a sewerage system did not authorize cities having sewerage systems at time of its adoption to issue bonds. (1896) *Palmer* v. *City of Helena*, 47 Pac. 209.

$10,000, Yellowstone County, Mont.

The word "bridge" included the approach thereto. Hence indebtedness for both would exceed the limit and issue of county bonds to pay cost was enjoined. (1909) *Jenkins* v. *Newman*, 101 Pac. 625.

NEBRASKA

$6,000, Adams County, Juniata Precinct, Neb.

Actual loss. No authority for county to issue bonds to aid building of grist mill. Was not a work of internal improvement and bonds were void. (1884) *State ex rel. Bowen* v. *Adams County*, 20 N. W. 96.

———, Ainsworth Precinct, Neb.

Precinct had no statutory authority for issuing bonds in aid of state normal school. Registration by auditor denied. (1903) *State ex rel. Ainsworth Precinct* v. *Weston*, 96 N. W. 668.

———, Beatrice, City of, Neb.

Actual loss. Delay in issuing city railroad aid bonds rendered interest coupons attached void until date of actual delivery, even in hands of innocent purchaser. (1895) *Brinkworth* v. *Grable*, 63 N. W. 952; 45 Neb. 647.

———, Beatrice, City of, Neb.

Power to issue city bonds for curbing and guttering streets could not be issued for curbing and guttering intersection of streets. Registration denied. (1889) *State ex rel. City of Beatrice* v. *Benton*, 41 N. W. 1068.

$53,000, Butler County, Neb.

Proposition submitted to voters of county failed to designate

donee of railroad aid bonds but was in alternative,—to issue to one or to other of two corporations. Certification denied. (1887) *State ex rel. Gardner* v. *Roggen*, 34 N. W. 108.

——, Butler County, Neb.

Actual loss. Proposition submitted to voters in alternative to issue county bonds to one or other railroad was illegal. Plaintiff was entitled to enjoin the certification of the bonds issued. (1883) *Spurck* v. *Lincoln & N. W. R. Co.*, 15 N. W. 701.

$53,000, Butler County, Neb.

Actual loss. County railroad aid bonds were unenforceable for failure to have registered and certified as provided by law. (1905) *Frank* v. *Butler County, Neb.*, 139 Fed. 119.

$87,000, Dixon County, Neb.

Actual loss. County railroad aid bonds violated constitution and were without legislative authority. Bona fide holder was not protected by reason of recitals in the bonds nor by the certificates of state officers on the back of the bonds. A recital of facts which the corporate officers had no authority to determine or a recital of matters of law did not estop the county. (1884) *Dixon County* v. *Field*, 111 U. S. 83. Same issue held void for exceeding debt limit (1893) *Hedges* v. *Dixon County*, 150 U. S. 182.

$49,000, Franklin County, Neb.

Could not compel registration of county bonds issued to pay general indebtedness because they would exceed debt limit. (1885) *State ex rel. Wiant* v. *Babcock*, 24 N. W. 556.

——, Fremont, City of, Neb.

Twenty days' publication of notice of election to vote on city water and paving bonds violated statute requiring four weeks' publication. Registration denied. (1889) *State ex rel. City of Fremont* v. *Babcock*, 41 N. W. 450.

$4,000, Grant, Village of, Neb.

Actual loss. These village bonds were issued in aid of private waterworks and were void. The bonds referred to a statute as authority, but which did not convey authority. Court

said: "The bonds, therefore, bear upon their face ample evidence of their own invalidity, and no one can claim to be a bona fide purchaser of a bond which carries on its face indubitable evidence of its unlawful character." (1904) *Village of Grant* v. *Sherrill,* 98 N. W. 681.

$25,000, Lincoln, City of, Neb.

State auditor not authorized to register refunding bonds to fund city railroad aid bonds not registered. (1886) *State ex rel. City of Lincoln* v. *Babcock,* 19 Neb. 223.

———, Lincoln County, Neb.

Actual loss. County commissioners had no statutory authority to issue jail bonds and a vote of people could not confer authority. Bonds were void. (1885) *State ex rel. Grady* v. *Commissioners of Lincoln County,* 25 N. W. 91.

———, Lincoln, School District of, Neb.

Issue of school district enjoined for failure to comply with statute requiring petition to be filed, signed by one-third of the qualified voters as a condition precedent to election. (1894) *Fullerton* v. *School District of Lincoln,* 59 N. W. 896.

$40,000, Nebraska City Precinct, Neb.

Actual loss. Precinct was not legally organized; therefore a taxpayer could restrain the levy of taxes to pay principal and interest of bonds issued by it to aid railroad. Bonds were void. (1897) *Morton* v. *Carlin,* 51 Neb. 202; 70 N. W. 966.

$14,800, Neligh, City of, Neb.

Beet sugar factory was not an "internal improvement." Issue of city bonds for such purpose enjoined. (1890) *Getchell* v. *Benton,* 47 N. W. 468.

$75,000, Norfolk, City of, Neb.

Certificate of city indorsed on bonds of private waterworks company that city would pay interest was void being in excess of authority. (1901) *Painter* v. *City of Norfolk,* 87 N. W. 31.

$200,000, Omaha, City of, Neb.

Authority given by voters to buy land and erect a market

place did not authorize erection of market house on land of a public park. Issue enjoined. (1898) *Tukey* v. *City of Omaha*, 54 Neb. 370; 74 N. W. 613.

$215,000, Omaha, School District of the City of, Neb.

Proposition for city school bonds failed to receive a majority of all votes cast although the proposition received a majority vote on question submitted. Could not compel registration by state auditor. (1890) *State ex rel. Board of Education* v. *Benton*, 45 N. W. 794.

$40,000, Otoe County, Neb.

Actual loss. County railroad aid bonds held void. Proposition submitted to voters failed to provide a tax to meet the liability. Authority given by vote to *subscribe* to stock of railroad did not empower a *donation* of the bonds. (1877) *Hamlin* v. *Meadville*, 6 Neb. 227.

$82,000, Otoe County, Neb.

Could not compel state auditor to register county refunding bonds because county commissioners had no authority to call election. (1888) *State ex rel. Otoe County* v. *Babcock*, 37 N. W. 645.

———, Perkins County, Neb.

Actual loss. County bonds issued to aid irrigation company were void in hands of bona fide purchaser because notice of adoption of the proposition by voters was published only ten days instead of two weeks prior to date of bonds as required by statute. Recitals on face of bonds showed violation of statutory requirement. (1901) *Wilbur* v. *Wyatt*, 63 Neb. 261.

$25,000, Plattsmouth, City of, Neb.

Partial loss. City bonds to pay floating debts exceeded debt limit and were void. Tax to pay interest on street improvement bonds which exceeded the rate of levy prescribed by statute was enjoined by taxpayer. (1878) *Wheeler* v. *City of Plattsmouth*, 7 Neb. 270. But holder who had surrendered valid warrants could recover their value. *City of Plattsmouth* v. *Fitzgerald* (1880), 10 Neb. 401.

———, Richardson County, Neb.

Special act authorizing county courthouse bonds was unconstitutional. Bonds were void and taxpayer could enjoin collection of tax to pay interest thereon. (1879) *Dundy* v. *Commissioners of Richardson County,* 1 N. W. 565.

———, Richardson County, School District No. 56 of, Neb.

Actual loss. School district bonds held void because special act authorizing issue was expressly forbidden by state constitution. (1875) *Clegg* v. *School District,* 8 Neb. 178.

$39,000, Seward County, Neb.

Issue enjoined. Proposition in alternative to issue county bonds to one railroad or another was void. (1882) *Jones* v. *Hurlburt,* 13 N. W. 5.

———, Seward County, Neb.

Actual loss. Persons induced by fraud to sign petition for issue of county railroad aid bonds could withdraw their consents and the number remaining being insufficient, could compel cancellation of the void bonds issued. Depot was located in section seventeen instead of section sixteen as agreed. (1890) *Wullenwaher* v. *Dunnigan,* 47 N. W. 420.

$2,000, Shelton, Village of, Neb.

Authority given by voters of village to issue bonds to two persons upon erection of a mill conferred no authority to issue the bonds to a company of which the two persons were members. Issue restrained. (1898) *George* v. *Cleveland,* 53 Neb. 716.

$3,000, Sherman County, School District No. 4, Neb.

Actual loss. No statutory authority to give bonds to contractor for erecting schoolhouse. Bona fide holder chargeable with notice. Recitals in bonds did not estop district. (1884) *State ex rel. Otto* v. *School District No. 4, Sherman County,* 20 N. W. 209.

$3,500, Sherman County, School District No. 5, Neb.

Actual loss. Bonds recited they were issued "in exchange for a school-house and site and buildings thereon." Held, not voted and issued for purpose of borrowing money as authorized

by statute and were void. School district refused to elect officers thus also defeating recovery. (1891) *State ex rel. Short* v. *Board of Commissioners of Sherman County*, 31 Neb. 465.

$1,250, Thurston County, School District No. 6 of, Neb.

Actual loss. Power to compromise school indebtedness did not give power to issue bonds therefor. Holder had surrendered up valid warrants and now could not compel registration of his bonds. (1895) *State ex rel. School District* v. *Moore*, 45 Neb. 12.

$2,000, Valley County, School District No. 7, Neb.

Actual loss. School district having power to borrow money and issue *registered* bonds to erect schoolhouse could not issue *negotiable* bonds for such purpose. Such bonds were void even in hands of innocent purchaser. (1893) *Ashuelot National Bank of Keene* v. *School District No. 7, Valley County*, 56 Fed. 197.

———, Wayne County, Neb.

County railroad aid bonds enjoined because they would have exceeded debt limit. (1878) *Reineman* v. *Covington, C., & B. R. R. Co.*, 7 Neb. 310.

$30,000, York, City of, Neb.

Tax to pay interest on proposed city waterworks bonds would exceed constitutional limit. Registration refused. (1887) *State ex rel. City of York* v. *Babcock*, 31 N. W. 8.

NEVADA

$20,000, Elko School District, Nev.

Writ to compel issuance of school district bonds denied. Statutory authority to issue school bonds which limited the annual levies on account of such bonds to $1,000 gave no authority to make the bonds maturing $1,000 each year for eight years and $1,500 during remaining eight years. (1909) *State ex rel. Henderson Banking Co.* v. *McBride*, 99 Pac. 705.

NEW JERSEY

$9,000, Bayonne, City of, N. J.

Issue of city school bonds enjoined because of lack of charter authority, as the words "public buildings" did not include

schoolhouses. (1887) *State* v. *City of Bayonne*, 49 N. J. L. 308; 8 Atl. 114.

$51,000, Bergen, County of, N. J.

Actual loss. Financial officer used $51,000 of county bonds to secure personal loan $39,000 he signed after his removal. As there were forgeries, innocent purchaser was not protected. As to the remaining $12,000, purchaser was bound to take notice that they exceeded debt limit. (1885) *Merchants' Bank* v. *County of Bergen*, 115 U. S. 384.

$6,500, Cranbury Township, N. J.

Issue of township school bonds enjoined as resolution did not clearly and unequivocally state purpose for which proceeds were to be used. (1896) *State* v. *Board of Education of Cranbury Township*, 33 Atl. 923.

$225,000, Hudson County, N. J.

Actual loss. Courthouse bonds issued by county exceeded debt limit and were void in hands of person taking with notice. (1877) *Siedler* v. *Chosen Freeholders of Hudson*, 39 N. J. L. 632.

$5,000, Manchester, Township of, N. J.

The petition, the resolution and the question submitted to voters failed to state the exact amount of the town highway bonds to be issued. An issue not to exceed a certain sum was insufficient. Issuance could not be compelled. (1898) *Schultze* v. *Township Committee of Manchester Township*, 61 N. J. L. 513; 40 Atl. 589.

———, Park Ridge, Borough of, N. J.

Issue of borough road bonds enjoined because election was held eighteen instead of twenty days after approval by the mayor of the resolution. (1897) *Mittag* v. *Mayor, etc., of Borough of Park Ridge*, 61 N. J. L. 51; 38 Atl. 750.

$40,000, Paterson, City of, N. J.

Authority to issue city bonds for sewer purposes should have been by *ordinance* and not by *resolution*. Issuance could not be compelled by mandamus. (1884) *City of Paterson* v. *Barnet*, 46 N. J. L. 62.

———, Riverton, Borough of, N. J.

Petition submitted to borough issuing electric light bonds did not have requisite number of petitioners as some of the petitioners had withdrawn their consent. Election was void and proceedings illegal. (1895) *Biddle* v. *Mayor, etc., of Borough of Riverton,* 58 N. J. L. 289; 33 Atl. 279.

$18,000, Winslow, Township of, N. J.

Actual loss. Bond given to a person drafted into army. Township officials were not regularly authorized to issue these bonds. Not estopped by recitals. (1872) *Hudson* v. *Inhabitants of Winslow,* 35 N. J. L. 437.

NEW YORK

$30,000, Allegheny County, N. Y.

Persons signing petition to grant railroad aid by town should have been allowed to withdraw their names from the petition. Bonds could not be issued. (1873) *People ex rel. Angel* v. *Hatch,* 1 Thomp. & C. 113.

———, Ancram, Town of, N. Y.

Petitioners could not delegate power to sign the petition for railroad aid. Not sufficient consents. Proceedings irregular. (1872) *People ex rel. Hoag* v. *Peck,* 62 Barb. 545.

———, Andes, Town of, N. Y.

Actual loss. Signatures to petition to secure issuance of town railroad aid bonds were conditional upon location of road in a certain place. The number of unconditional subscriptions was insufficient. Bonds were void in hands of innocent purchasers. (1883) *Craig* v. *Town of Andes,* 93 N. Y. 405.

$30,000, Belport, Town of, N. Y.

Failure of county judge to allow petitioners to withdraw, rendered decision authorizing railroad aid bonds void and proceedings irregular. (1873) *People ex rel. Angel* v. *Hatch,* 65 Barb. 430.

$75,000, Brockport, Village of, N. Y.

Actual loss. Village law requiring vote of electors on a "*proposition*" for issue of sewer bonds was violated by a vote upon

a "*resolution*" of the village trustees and bonds thereby issued were void even as against a bona fide holder. (1902) *Village of Brockport* v. *Green*, 39 Misc. 231.

$100,000, Canandaigua, Village of, N. Y.

Resolution for issuing village paving bonds failed to state the number of annual installments in which the bonds were to be made payable by the village and to properly provide tax to pay interest and principal as required by statute. As the bonds were illegal, defendant's contract to purchase them could not be enforced. (1904) *Village of Canandaigua* v. *Hayes*, 90 App. Div. 336.

$40,000, Caneadea, Town of, N. Y.

Actual loss. Petition for railroad aid bonds failed to show the application was made by a majority of taxpayers "exclusive of those taxed for dogs or highway tax only." Bonds were void in hands of bona fide purchaser as the defect was jurisdictional and patent on the record. (1878) *Wilson* v. *Town of Caneadea*, 15 Hun, 218.

———, Caneadea, Town of, N. Y.

Actual loss. Court order authorizing issue of town railroad aid bonds failed to show an adjudication that a majority of taxpayers approved. Such bonds were void nor did payment of interest thereon amount to a ratification as there was a total want of authority to issue same. (1883) *Cowdrey* v. *Town of Caneadea*, 16 Fed. 532.

$10,000, Douglas, Village of, N. Y.

Actual loss. Village bonds in aid of manufacturing concern were void in hands of subsequent holder because legislative act authorizing municipal aid to a private corporation was unconstitutional. (1876) *Weismer* v. *Village of Douglas*, 64 N. Y. 91.

$200,000, Ellicott, Town of, N. Y.

Agreement made by town to deliver railroad aid bonds upon construction of road in certain place was nullified by the constitutional amendment prohibiting town from aiding railroads. Railroad could not enforce the agreement. (1880) *Railroad Co.* v. *Falconer*, 69 N. Y. 491; 103 U. S. 821.

$20,000, Fort Edward, Village of, N. Y.

Issuance of village bonds to aid railroad could not be compelled because publication of notice of election for eleven days violated statute requiring publication for twelve days; also a requirement that a majority of the taxable inhabitants should consent meant all the inhabitants, and a majority of all those who attended the meeting was insufficient. (1876) *Culver* v. *Village of Fort Edward,* 8 Hun, 340.

$50,000, Fort Edward, Village of, N. Y.

An agreement by a municipality to sell bonds at par exclusive of interest was an agreement to sell for less than par and was void. The validity of the bonds was not passed upon. (1895) *Village of Fort Edward* v. *Fish,* 86 Hun, 548.

$75,000, Genoa, Town of, N. Y.

Actual loss. Construction of railroad was a condition precedent to the issue of town bonds in aid thereof and bonds issued prior to happening of condition were void. Bona fide purchaser was chargeable with knowledge of statute. Town officers could not ratify the issue. (1901) *Oswego County Savings Bank* v. *Town of Genoa,* 66 App. Div. 330.

$25,000, Genoa, Town of, N. Y.

Actual loss. Town railroad aid bonds were void in hands of innocent purchaser. Affidavit of assessor that requisite consents had been given did not estop the town from defending against a holder of the bonds and proving that sufficient consents had not been given. Town not estopped by recitals in bonds. (1861) *Starin* v. *Town of Genoa,* 23 N. Y. 439.

$50,000, Gorham, Town of, N. Y.

Issue enjoined. Petition for railroad aid by town failed to state that the railroad was a corporation "in this state." (1872) *In re Town of Gorham,* 43 How. Pr. 263.

$40,000, Greenwich, Town of, N. Y.

Actual loss. Town railroad aid bonds payable in twenty years violated statute requiring payment in thirty years. Purchaser charged with knowledge of statute and violation upon

face of bond. (1882) *Potter* v. *Town of Greenwich*, affd., 92 N. Y. 662.

$30,000, Greenwood, Town of, N. Y.

Petition for issuance of town railroad aid bonds failed to state the railroad was a corporation "in this state." Was certiorari to review proceedings. (1873) *People ex rel. Rogers* v. *Spencer*, 55 N. Y. 1.

$100,000, Hancock, Town of, N. Y.

Actual loss. Town railroad aid bonds. Majority of taxpayers did not consent. Affidavit of assessor that a majority had consented was only prima facie evidence and did not estop the town from showing the illegality as against a bona fide holder. (1881) *Cagwin* v. *Town of Hancock*, 84 N. Y. 532.

———, Haverstraw, Village of, N. Y.

Statute required signature to petition for village railroad aid bonds to appear on the assessment roll "last completed." Held, if the assessment roll used as a basis for the decision had no oath written thereon or attached thereto and there was no proof that it had ever been verified, then it was not completed and the petition was void. Proceedings illegal. (1877) *People ex rel. Gillies* v. *Suffern*, 68 N. Y. 321.

$100,000, Hempstead, Village of, N. Y.

A resolution submitted for vote at village election contained a single proposition to issue bonds for waterworks and lighting system. Held, allowed voters no freedom of choice. Agreement to purchase bonds was not enforceable. (1901) *Village of Hempstead* v. *Seymour*, 34 Misc. 92.

$50,000, Hume, Town of, N. Y.

Actual loss. Petition to secure railroad aid by town failed to show that the amount named therein did not exceed 20% of the whole taxable property. Bonds were void in hands of railroad company. (1879) *Angel* v. *Town of Hume*, 17 Hun, 374.

———, Jamaica, Village of, N. Y.

Actual loss. One hundred and twenty persons were allowed to vote on proposition for issuing park bonds who were not as-

sessed for property on the last preceding assessment roll. Bonds issued in exchange for the land were void. Payment of interest enjoined by taxpayer. (1897) *Scott* v. *Twombly*, 20 Misc. 652.

$75,000, Lansing, Town of, N. Y.

Actual loss. Issue of railroad aid bonds by the town were void because of failure to comply with the statutory requirements, requiring the directors to fix the termini of the road and to designate all the counties through which the road would pass. A recital that they were issued "under the provisions" of an act was no protection to bona fide holder. Could not be ratified by town as no power existed to issue them. (1882) *Thomas* v. *Town of Lansing*, 14 Fed. 618; same issue, *Mellen* v. *Same*, 11 Fed. 820, 829. Also held void in *Stewart* v. *Same*, 104 U. S. 505. In *Lytle* v. *Same*, 147 U. S. 59, purchaser who knew bonds were being contested by town was not a bona fide purchaser. Same issue held void in *Purdy* v. *Lansing*, 128 U. S. 557.

$100,000, Ledyard, Town of, N. Y.

Petition for town railroad aid bonds failed to aver consent of a majority of taxpayers owning a majority of taxable property of town. Issue enjoined. (1871) *People ex rel. Delafield* v. *Hughitt*, 5 Lans. 89.

$1,000, Mamakating, Town of, N. Y.

Actual loss. By mistake one additional bond was issued at the time an issue of $175,000 town railroad aid bonds was made. Not authorized and was void, though held by innocent purchaser. (1885) *Thompson* v. *Town of Mamakating*, 37 Hun, 400.

$30,000, Mentz, Town of, N. Y.

Actual loss. Petition to issue town railroad aid bonds failed to show that the signers were taxpayers "not including those taxed for dogs or highway tax only." Bonds were void. (1890) *Rich* v. *Town of Mentz*, 134 U. S. 632. Same issue, *Cook* v. *Same*, 15 N. E. 541; 108 N. Y. 504. and *Strang* v. *Cook*, 47 Hun, 46.

$30,000, Mt. Morris, Town of, N. Y.

No statutory authority for town commissioners to agree with railroad to purchase ties which should remain the property of

the commissioners until the completion of the road and for this purpose to guarantee to issue town bonds. Such guarantee was void. (1880) *Joslyn* v. *Dow*, 19 Hun, 494.

———, Northampton, Town of, N. Y.

Actual loss. Petition for issuance of town railroad aid bonds failed to show that the signers did not include persons taxed for dogs or highway taxes only, or that it was signed by a majority of those taxed for property not including such. Bonds not ratified by payment of interest for twenty years. (1903) *Clark* v. *Town of Northampton*, 120 Fed. 661.

$200,000, Ogdensburgh, City of, N. Y.

City had no power to issue railroad aid bonds to a road that did not have the right to operate within the county. Proceedings irregular. (1870) *People ex rel. Averill* v. *Adirondack Co.*, 57 Barb. 656.

$11,560.75, Oneida, City of, N. Y.

Bonds issued to pay the individual and personal assessments of property owners assessed for sewer construction was not "for the benefit of the city" and was unauthorized by its charter. Agreement to purchase the bonds not enforceable. (1906) *City of Oneida* v. *King*, 116 App. Div. 35.

$107,000, Ontario, Town of, N. Y.

Actual loss. It did not appear from the assessor's affidavit that sufficient consents had been given and railroad aid bonds issued by town were therefore void. Holder was bona fide purchaser. (1878) *Smith* v. *Ontario*, Fed. Cas. 13,085.

———, Orleans, Town of, N. Y.

Proceedings to issue town railroad aid bonds were illegal. Signer of petition could withdraw. (1873) *People ex rel. Irwin* v. *Sawyer*, 52 N. Y. 296.

$125,000, Phelps, Town of, N. Y.

Initials of signers to petition for town railroad aid were insufficient. Signatures could not be made by agents but should have been by taxpayers personally. Proceedings irregular. (1871) *People ex rel. Haines* v. *Smith*, 45 N. Y. 772.

$100,000, Rochester, Town of, N. Y.

Consents to petition for railroad aid by town could be withdrawn. Petition was also defective in other ways. Proceedings were void. (1873) *People ex rel. Town of Rochester* v. *Deyoe*, 2 Thomp. & C. 142.

———, Romulus, Town of, N. Y.

Given names, not initials, should have been signed to petition seeking railroad aid by town. Was certiorari to review proceedings. (1874) *People ex rel. Sutton* v. *Franklin*, 3 Thomp. & C. 794.

$100,000, Saratoga, Town of, N. Y.

Issue enjoined. Act authorizing city to donate the proceeds of bonds to a railroad corporation was unconstitutional. (1868) *Sweet* v. *Hulbert*, 51 Barb. 312.

$100,000, Saratoga Springs, Town of, N. Y.

Proceedings to issue town railroad aid bonds were invalid. Signer of petition who acted in a representative capacity failed to show his right to represent; also several corporation signers failed to show authority of those signing, and that the corporation was solvent. (1871) *People ex rel. Freeman* v. *Hulburt*, 46 N. Y. 110.

———, Shawangunk, Town of, N. Y.

Actual loss. Railroad aid bonds of town were issued fraudulently by the commissioners without the consent of electors and were void. Also a special act attempting to validate the bonds so issued was unconstitutional because the legislature could not in the first instance compel the issuance of the bonds without the consent of voters. (1878) *Hardenbergh* v. *Van Keuren*, 16 Hun, 17.

$125,000, Sodus Point, Town of, N. Y.

Petitioners for town railroad aid should have signed Christian names,—initials not sufficient. Issue enjoined. (1870) *People ex rel. Haines* v. *Smith*, 45 N. Y. 772.

$55,000, Southfield, Town of, Richmond County, N. Y.

While these drainage bonds have never been held void, yet

they were a total loss to their holders and interest has not been paid. *People ex rel. Moller* v. *Marsh*, 21 A. D. 88 (1897), held that a petition for a writ of mandamus to compel the levy and collection of a tax to pay interest was defective because it alleged that the drainage commissioners were appointed pursuant to an order of the "County Court" when it should have stated "County Judge." A subsequent writ for same purpose was denied in *People ex rel. Nelson* v. *Marsh*, 82 A. D. 571 (1903), affd., 178 N. Y. 618, because of laches and because the action was barred by the statute of limitations.

———, Springport, Town of, N. Y.

Actual loss. Railroad aid bonds issued by town were void because not under seal. (1877) *Avery* v. *Springport*, Fed. Cas. 676.

$100,000, Springport, Town of, N. Y.

Actual loss. Town railroad aid bonds were void for failure to obtain consents of majority of taxpayers. (1878) *Town of Springport* v. *Teutonia Savings Bank*, 75 N. Y. 397. Same issue, *People ex rel. Yawger* v. *Allen*, 52 N. Y. 538; also same issue, *Town of Springport* v. *German Uptown Savings Bank; Same* v. *Franklin Savings Bank*, 84 N. Y. 403, holding that consents of taxpayers could be withdrawn (1881).

$25,000, Sterling, Town of, N. Y.

Actual loss. Town not estopped from showing failure to secure sufficient consents by affidavit of assessor that a majority of taxpayers had consented to issuance of railroad aid bonds. Were void in hands of bona fide holder. Town was not estopped by recitals in bonds that sufficient consents had been obtained. (1861) *Gould* v. *Town of Sterling*, 23 N. Y. 439.

$34,000, Stockton, Town of, N. Y.

Railroad was a private enterprise and town could not be compelled to take stock against its consent or that of its taxable inhabitants. Mandamus against town officials would not lie to compel issuance of bonds authorized by statute. (1873) *People ex rel. D. W. & P. R. Co.* v. *Batchellor*, 53 N. Y. 128.

$2,000, Suspension Bridge, Village of, N. Y.

Actual loss. Village waterworks bonds were lithographed,

signed and sealed and before delivery were stolen and put upon the market. Held, had no valid inception and were void. Bona fide purchaser not protected. (1892) *Germania Savings Bank* v. *Village of Suspension Bridge*, 73 Hun, 590.

$148,000, Thompson, Town of, N. Y.

Actual loss. Town railroad aid bonds. Failed to get consent of taxpayers. Not ratified by legislative act. Bona fide purchaser lost. (1878) *Horton* v. *Town of Thompson*, 71 N. Y. 513.

$231,000, Troy, City of, N. Y.

Issue of park and waterworks bonds by city enjoined by taxpayers' action, because the legislative act purporting to amend the city charter, and under which the bonds were to be issued, violated the constitution providing that a local act should not embrace more than one subject which should be expressed in its title. (1905) *Cahill* v. *Hogan*, 73 N. E. 39.

$25,000, Venice, Town of, N. Y.

Actual loss. Railroad aid bonds issued by town without requisite number of written consents of taxpayers were void. (1873) *Town of Venice* v. *Breed*, 1 Thomp. & C. 130.

———, Wellsborough, Town of, N. Y.

Petition for issuance of town railroad aid bonds failed to state that a majority of taxpayers consented "excluding those taxed for dogs or highway taxes only." Proceedings were invalid. (1879) *Town of Wellsborough*, v. *New York & C. R. Co.*, 76 N. Y. 182.

$4,000, Woodbury, Town of, N. Y.

Actual loss. Town bonds issued under the subscription act (Laws of 1892, chap. 664) were void because act was unconstitutional, being in conflict with the state constitution. (1903) *Newburgh Savings Bank* v. *Town of Woodbury*, 65 N. E. 858.

NORTH CAROLINA

$98,000, Buncombe County, N. C.

Actual loss. County refunding bonds declared void because original railroad aid bonds were void and were not validated by an act passed for that purpose, which was not passed in the manner required by the constitution. Interest had been paid

on the bonds. (1898) *Commissioners of Buncombe County* v. *Payne,* 31 S. E. 711.

$10,000, Carthage Township, N. C.

Actual loss. Taxpayer could enjoin tax levy to pay interest on township bonds issued under unconstitutional statute. Statute was unconstitutional because yeas and nays were not recorded on legislative journal on second and third readings. Bona fide purchaser not protected. (1904) *Graves* v. *Moore County,* 47 S. E. 134.

$15,000, Durham, Town of, N. C.

Actual loss. Taxpayer could restrain the collection of a tax to pay interest on town school bonds issued under a statute authorizing such bonds upon the approving vote of a *majority of those who voted* because said statute violated the state constitution, requiring the approval of a majority of the *qualified* voters of the town. (1887) *Duke* v. *Brown,* 96 N. C. 127.

$110,000, Goldsboro, City of, N. C.

Proposition to issue city waterworks bonds should have been submitted to voters. Issue enjoined. (1904) *Robinson* v. *City of Goldsboro,* 47 S. E. 462.

$18,000, Hendersonville, Town of, N. C.

Under town charter, proposition to issue sidewalk bonds should have been submitted to voters. The defendants who were brokers could not be compelled to take the issue. (1908) *Commissioners of the Town of Hendersonville* v. *Webb & Co.,* 61 S. E. 670.

$2,000, Jackson County, N. C.

Actual loss. Railroad aid bonds held void. Township bonds showed on their face that they were issued under act of general assembly and that an examination of the assembly's journals would have shown that those acts were not passed in the manner expressly required by constitution, art. 2, sec. 14, and charged a purchaser of the bonds with notice of their invalidity. Bona fide purchaser charged with knowledge of their invalidity. (1908) *Wittowsky* v. *Board of Commissioners of Jackson County,* 63 S. E. 275.

$25,000, Murfreesboro Township, N. C.

Actual loss. Bona fide purchaser must take notice that the statute relied upon as authority for issue of township railroad aid bonds was not legally passed by the general assembly, as shown by the assembly journal. On passage of act the nays were not recorded. Interest had been paid on bonds. No estoppel by reason of recitals in bonds of compliance with constitution and laws of state. (1902) *Debnam* v. *Chitty*, 43 S. E. 3.

$50,000, New Hanover County, N. C.

Road improvement bonds of county, although authorized by voters, were not valid because the special act relied upon was not properly passed by the legislature,—it not appearing in the transcript of the legislative journal that the names of the "noes" were recorded on final reading. Agreement to purchase the bonds not enforceable. (1901) *Commissioners of New Hanover County* v. *De Rosset*, 40 S. E. 43.

$40,000, Oxford, Town of, N. C.

Actual loss. No statutory authority for issue of town railroad aid bonds because act was not passed as required by the constitution making it mandatory that the yeas and nays on the second and third reading should be entered in the journal. Purchaser was bound to take notice even though the statute was published by authority of law and interest had been paid on the bonds. (1896) *Union Bank* v. *Commissioners of the Town of Oxford*, 25 S. E. 966. Same issue, *Board of Commissioners* v. *Union Bank*, 96 Fed. 293.

$5,000, Rockingham County, N. C.

Actual loss. County commissioners after canvass of vote failed to declare that a majority had voted in favor of issuing railroad aid bonds. Bonds failed to recite that a majority had voted in favor of subscription. Bona fide purchaser took with notice of defects which rendered the bonds void. (1894) *Claybrook* v. *Commissioners of Rockingham County*, 114 N. C. 453.

$100,000, Stanley County, N. C.

Actual loss. Legislative journal could be introduced in evidence to show yeas and nays were not entered on second and third reading of act to contradict the printed statute. Railroad

aid bonds were issued without legislative authority and were void. Payment of coupons enjoined. (1897) *Commissioners of Stanley County* v. *Snuggs*, 28 S. E. 539; 121 N. C. 394. Same issue held valid in *Stanley County* v. *Coler*, 190 U. S. 437.

$75,000, Valleytown Township, N. C.

Statutory authority to issue $25,000 road bonds did not authorize issue of $75,000. Submitted on agreed facts. Action was by town to compel brokers to accept the bonds upon is suance. (1910) *Highway Commissioners of Valleytown Township* v. *Webb & Co.*, 68 S. E. 211.

$20,000, Washington, Town of, N. C.

Issue of town bonds enjoined because proposition for electric light plant should have been submitted to voters. (1898) *Mayo* v. *Town of Washington*, 29 S. E. 343.

$8,000, Williamston, Town of, N. C.

Town commissioners had no power to issue bonds to furnish electric lighting without submitting proposition to voters. Issue enjoined. (1910) *Ellison* v. *Town of Williamston*, 67 S. E. 255.

$10,000, Wilmington, City of, N. C.

Actual loss. City bonds issued in aid of rebellion were void because against public policy. (1873) *Weith and Arents* v. *City of Wilmington*, 68 N. C. 24.

NORTH DAKOTA

———, Barnes County, School District No. 70, N. D.

Provision for payment of exchange in addition to interest rendered school district bonds nonnegotiable and district could show they were issued without consideration. Case arose on pleadings and did not actually determine legality of bonds. (1895) *Flagg* v. *School District No. 70 Barnes County*, 65 N. W. 674.

———, Barnes County, School District No. 52 of, N. D.

Actual loss. Statute authorizing municipal corporations to issue bonds payable in not less than ten years from date was violated by school bonds issued payable in eleven days less than

ten years, which were therefore void. Bona fide purchaser charged with knowledge of all requirements of statute under which issued. (1893) *People's Bank of St. Paul* v. *School District No. 52*, 57 N. W. 787.

$5,700, Barnes County, School District No. 50 of, N. D.

Actual loss. Refunding school bonds purchased by state were void because: 1st, proposition was not submitted to voters; 2d, district was not qualified to adopt such proposition as at least twenty-five legal votes had not been cast at last preceding annual election; 3d, clerk who signed bonds did not reside within the district. Recitals did not estop district. Bona fide purchaser not protected. (1909) *State* v. *School District No. 50 of Barnes County*, 120 N. W. 555.

———, Cass County, N. D.

Drainage law was unconstitutional. Issue of county drainage bonds enjoined. Many projects were constructed under this law before it was declared unconstitutional. (1894) *Martin* v. *Tyler*, 60 N. W. 392; 4 N. D. 278.

$100,000, Fargo, City of, N. D.

Notice of election did not state amount of city bonds to be voted upon, nor did the resolution of the city council state the purpose of the issue. Question voted upon contained two propositions. Issue enjoined. (1909) *Stern* v. *City of Fargo*, 122 N. W. 403.

$45,000, Grand Forks, City of, N. D.

Issue enjoined. Refunding bonds would temporarily exceed debt limit. Were considered as a new issue. (1897) *Birkholz* v. *Dinnie*, 6 N. D. 511; 72 N. W. 931.

$20,000, Kidder County, N. D.

Issue enjoined. Notice of meeting of county board failed to state object. Question of erecting courthouse and jail not properly submitted to electors. (1885) *Territory ex rel. Higgins* v. *Steele*, 23 N. W. 91.

$75,000, Pierce County, N. D.

Issue restrained because notice of election failed to state the

denomination of the bonds proposed to be issued and rate of interest; also as bonds were to be used for erection of a courthouse and a jail, as two separate buildings, two different propositions were submitted and should have been voted on independently. (1909) *Hughes* v. *Horsky*, 122 N. W. 799.

OHIO

———, Alessandro Irrigation District, Ohio.

Sale by holder of irrigation district bonds concededly void, enjoined by the district, as they might reach hands of an innocent purchaser. (1898) *Alessandro Irrigation District* v. *Savings & Trust Co.*, 88 Fed. 928.

$17,000, Brown Township, Ohio.

Actual loss. Township had statutory power to issue railroad aid bonds only when county did not. Bona fide purchaser could not compel levy of tax to pay interest. (1862) *Hopple* v. *Brown Township*, 13 Oh. St. 311.

$2,500, Bryan, Village of, Ohio.

Actual loss. Village refunding bonds could not be issued to include the premium paid by purchasers of the original bonds. Such refunding bonds were antedated and accepted while an injunction against their issue was pending. Held, holder was not an innocent purchaser, and bonds were void. (1898) *Altaffer* v. *Nelson*, 18 Oh. Cir. Ct. 145.

$15,610,000, Cincinnati, City of, Ohio.

Taxpayers' action to enjoin issue of refunding bonds. Relief granted because contract for sale of bonds was void because it failed to provide for advertisement and competitive bidding, and because it provided for adding interest to principal and refunding both. (1899) *City of Cincinnati* v. *Guckenberger*, 54 N. E. 376. Same issue, *Roberts* v. *Taft*, 116 Fed. 228 (1901).

$250,000, Elyria, City of, Ohio.

Issue enjoined. Resolution was not read by council on three different days. The purchase of waterworks and the erection of new ones were distinct measures requiring different proceedings. Council and not mayor had power to determine when, in what

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series and amounts bonds were to be sold. (1898) *Elyria Gas & Water Co.* v. *City of Elyria*, 49 N. E. 335.

$150,000, Hamilton, City of, Ohio.

Issue of proposed gasworks bonds was enjoined and election held void, 1st, because the notice of election was void as it was given before the ordinance authorizing it took effect; 2d, because a statute provided that such ordinances should take effect after thirty days, hence ten days were insufficient; 3d, because the form of ballot compelled the voters to vote for both the purchase *and* construction or against both instead of for *either* the purchase *or* construction or against. (1888) *Hensly* v. *City of Hamilton*, 3 Oh. Cir. Ct. 201.

$100,000, Hancock County, Ohio.

Actual loss. County railroad aid bonds were void in hands of innocent purchaser because the road had never been located through or in the county as required by statute. Act validating bonds regular on their face did not apply. (1860) *State ex rel. Treadwell* v. *Commissioners of Hancock County*, 11 Oh. St. 183.

$14,091.58, Highland County, Ohio.

Tax for payment of bonds issued to construct turnpike enjoined. Bona fide purchaser bound to take notice of the limitation upon the power of taxation, the extent of the tax district and valuation of the property thereof. (1901) *Miller* v. *Hixon*, 59 N. E. 749.

$100,000, Marshall County, Ohio.

Actual loss. Railroad aid bonds issued by county declared void in hands of bona fide holder because the election for submitting question to voters was called by the county court instead of by the board of supervisors. (1864) *Marshall County* v. *Cook*, 38 Ill. 44.

———, Mineral Ridge, Village of, Ohio.

Actual loss. Village refunding bonds were void because original bonds in aid of railroad were not authorized by a valid or sufficient ordinance. (1900) *United States Trust Co.* v. *Village of Mineral Ridge*, 104 Fed. 851.

$55,500, Muskingum, County of, Ohio.

Issue of county refunding bonds enjoined because not advertised and because part were to be issued for notes, which could not be refunded. (1908) *Muskingum County Commissioners* v. *State*, 85 N. E. 562.

$8,000, Porter Township, Ohio.

Actual loss. Statute required that proposition for issue of railroad aid bonds should first be submitted to voters of county before submission to voters of township. Bonds issued by township before refusal of county to subscribe were void as against a bonâ fide holder. Township not estopped by recitals from showing that it was without legislative authority to issue the bonds. (1884) *Northern Bank of Toledo* v. *Porter Township*, 110 U. S. 608.

$17,000, Rockford, Village of, Ohio.

Issue of village street and sewer improvement bonds enjoined because they would exceed debt limit; also bonds could not be dated back so as to obtain effect of a curative statute. (1906) *Smith* v. *Rockford Village*, 29 Oh. Cir. Ct. 478.

$20,000, Westwood School District, Village of, Ohio.

Actual loss. Bonds were fraudulently negotiated by treasurer after they had been delivered to him for cancellation. (1885) *Board of Education* v. *Sinton*, 41 Oh. St. 504.

$76,000, Wooster, City of, Ohio.

Actual loss. Refunding bonds of city failed to express on their face the purpose of the issue and the ordinance authorizing them, as required by statute. As the original bonds (railroad aid) were void having been issued under an unconstitutional act, the refunding bonds were invalid. (1897) *Keehn* v. *City of Wooster*, 7 Oh. Cir. Dec. 456.

OREGON

$45,000, Union County, Oregon.

Issue of county bonds to pay expenses of relocating county seat would exceed debt limit. Issue enjoined. (1903) *Eaton* v. *Mimnaugh*, 73 Pac. 754.

PENNSYLVANIA

$200,000, Crawford County, Pa.

Agreement by county to issue railroad aid bonds was void because the railroad had fraudulently represented that it had obtained private subscriptions to a certain amount when in fact those subscribers had been released and discharged from all liability; $30,000 county bonds issued and delivered under the agreement were void. (1858) *County of Crawford* v. *Pittsburgh & Erie R. R. Co.*, 32 Pa. St. 141.

———, Green County, Pa.

Actual loss. School board had no authority to issue bonds for purpose of repaying citizens who had obtained volunteers to army. Were void. (1865) *Meek* v. *Bayard*, 53 Pa. St. 217.

$14,000, Lancaster, City of, Pa.

Failed to submit proposition to vote of people. Issue of city bonds enjoined. (1899) *Houston* v. *City of Lancaster*, 191 Pa. St. 143; 43 Atl. 83.

$250,000, Lawrence County, Pa.

Actual loss. County desired to assist railroad and in order to allow the railroad contractor to sell the bonds for less than par, his estimate was increased 24% and county bonds issued at par for the increased sum. Held, was a fraud on the county and bonds were void. (1870) *Lawrence County Appeal*, 67 Pa. St. 87. Same issue, *Diamond* v. *Lawrence County*, 37 Pa. St. 353. Pendency of an action was notice to all the world. Purchaser took with notice (1860).

$150,000, Mercer County, Pa.

Actual loss. County railroad aid bonds were void. Statute requiring grand jury to fix amount of subscription by county conferred no authority on county commissioners to make any subscription, when the grand jury only recommended the subscription should not exceed a certain amount. (1891) *Frick* v. *Mercer County*, 138 Pa. St. 523; 21 Atl. 6.

$9,000, Millerstown, Borough, Pa.

Actual loss. Borough bonds issued to pay existing debts exceeded debt limit and were void in hands of bona fide holder

because of failure to secure assent of electors. (1886) *Borough of Millerstown* v. *Frederick*, 114 Pa. St. 435.

$8,000,000, Philadelphia, City of, Pa.

Issue enjoined. Notice of election for issue of city bonds for general purposes failed to contain statement of indebtedness as required by statute. (1910) *Bullitt* v. *City of Philadelphia*, Vol. 19, No. 51, Legal Int.

$11,000,000, Philadelphia, City of, Pa.

Issue of city bonds enjoined by taxpayer because proposition was not submitted to voters as required by constitution. (1897) *Pepper* v. *City of Philadelphia*, 181 Pa. St. 566; 37 Atl. 579.

$6,775,000, Pittsburgh, City of, Pa.

The statute required that the corporate authorities by their ordinance or vote should "signify a desire" to increase the indebtedness. The ordinance failed to "signify a desire," hence was void, and the election held thereunder was illegal, and the bond issue was enjoined. (1910) *Hoffman* v. *City of Pittsburgh*, 229 Pa. St. 36; 78 Atl. 26.

———, Pittsburgh, City of, Pa.

Actual loss. Railroad aid bonds of Pittsburgh were void because of lack of legislative authority. Holder of coupons of bonds transferable only on books of the city could not recover on the coupons without showing a legal assignment of the bonds to him. (1859) *Oelrich* v. *Pittsburgh*, Fed. Cas. 10,442.

$6,000,000, Pittsburgh, City of, Pa.

Issue of city refunding bonds enjoined because the contract made by the city with the syndicate for the sale of the bonds was void, as a commission was allowed to such purchasers. (1885) *Whelen's Appeal*, 108 Pa. St. 163; 1 Atl. 88.

$1,500,000, Pittsburgh, City of, Pa.

Issue of city bonds for general purposes enjoined because the valuation of property fixed by the city authorities and not the valuation made by county authorities was the proper figure, and because the authorities failed to provide for levying a tax to pro-

vide payment of the bonds. (1895) *Bruce* v. *City of Pittsburgh,* 116 Pa. St. 152; 30 Atl. 831.

$500, Rainsburgh Borough, Pa.

Borough bonds issued to pay existing indebtedness were void because officers failed to file a statement of indebtedness as required by law and because no provision was made for payment. Holder could recover, however, for money loaned. (1889) *Rainsburgh Borough* v. *Fyan,* 127 Pa. St. 74; 17 Atl. 678.

SOUTH CAROLINA

——, Abbeville County, Ninety-six Township, S. C.

Actual loss. Township railroad aid bonds were not for a "corporate purpose," and therefore act authorizing same was unconstitutional. Bonds were void and tax paid could be recovered. (1888) *Floyd* v. *Perrin,* 8 S. E. 14; 30 S. C. 1.

$100,000, Anderson, City of, S. C.

Statute authorizing issue of railroad aid bonds did not repeal that part of a former statute requiring vote of people. Issuance by city could not be compelled. (1892) *State ex rel. Vandiver* v. *Tolly,* 16 S. E. 195.

$15,100, Broad River Township, S. C.

Actual loss. Constitution authorized towns to raise money for "corporate purposes." A statute authorizing town to issue railroad aid bonds was repugnant to this section and unconstitutional and town railroad aid bonds issued pursuant thereto were void. Legislature had no power to validate them. (1897) *Coleman* v. *Broad River Township,* 27 S. E. 774.

$2,000,000, Charleston, City of, S. C.

Actual loss. "Fire Loan Bonds" were void. City loaned its bonds to persons desiring to rebuild in the burned district. Were for private not municipal purposes. (1884) *Feldman & Co.* v. *City Council of Charleston,* 23 S. C. 57.

$25,000, Cherokee Township, S. C.

Town railroad aid bonds issued under unconstitutional act were void. (1888) *Whitesides* v. *Neely,* 8 S. E. 27. Partial re-

covery allowed by bona fide holders. *Grannis* v. *Cherokee Township*, 47 Fed. 427.

$80,000, Florence, City of, S. C.

Proposition to issue city bonds for construction of waterworks and sewerage system should have been voted on separately. Issue enjoined. (1909) *Chase* v. *Gilbert*, 65 S. E. 735.

$125,000, Gaffney, Town of, S. C.

Statute required that the amount of bonds for electric lighting, waterworks and sewerage system should be voted upon separately. Issuance could not be compelled. (1909) *Ross* v. *Lipscomb*, 65 S. W. 451.

$12,000, McColl School District, S. C.

School trustees failed to have a survey and plot of district made prior to election, as required by statute. Issue of school bonds enjoined. (1910) *McLaurin* v. *Tatum*, 67 S. E. 560.

$250,000, Rock Hill, City of, S. C.

Proposition for issuing city bonds to construct waterworks or sewerage or lighting plant should have been voted upon separately and not altogether. Issuance could not be compelled by mandamus. (1909) *Johnson* v. *Roddey*, 65 S. E. 626.

SOUTH DAKOTA

$35,000, Aberdeen, City of, S. D.

Issue of city bonds to construct electric lighting plant restrained. The statute requiring concurrence of a *majority of electors* of the city is not complied with by a *majority of those voting* on the proposition. (1906) *Williamson* v. *Aldrich*, 108 N. W. 1063.

$30,500, Bon Homme County, S. D.

Actual loss. Chairman and clerk of county commissioners issued county bonds to pay outstanding warrants without authority of board. Bona fide purchaser required to ascertain that officers acted within authority. Recitals of bonds not conclusive against county. (1890) *Brown* v. *Bon Homme County*, 46 N. W. 173.

$1,400, Brookings County, School District No. 7 of, S. D.

Actual loss. School bond in sum of $1,400 violated statute requiring bonds to be in denomination of not more than $500 nor less than $50. Void in hands of innocent purchaser. (1896) *Livingston* v. *School District No. 7 of Brookings County*, 59 N. W. 15; 9 S. D. 345. Recovery allowed on quantum meruit, *Same* v. *Same*, 76 N. W. 301.

$10,000, Huron, City of, S. D.

Actual loss. City bonds recited they were issued to pay floating indebtedness, but in fact were issued to boom a political scheme. Held, illegal because purpose was unconstitutional. (1897) *John Hancock Mutual Life Insurance Company* v. *City of Huron*, 80 Fed. 652.

$11,000, St. Lawrence Township, S. D.

Actual loss. Township bonds were void in hands of innocent purchaser because their issue exceeded the debt limit. A recital on their face that they *did not* exceed debt limit did not estop the town from showing invalidity. (1909) *St. Lawrence Township* v. *Furman*, 171 Fed. 400.

TENNESSEE

$22,000, Athens, Town of, Tenn.

Actual loss. A town originally incorporated under a certain act lost such organization by the repeal of the act and a subsequent attempt to organize it as a municipal corporation failed because the certificate of the sheriff holding the election was not indorsed on the application for charter and registered with it as required by statute, hence having no legal existence, railroad aid bonds issued by it were void in hands of bona fide holder. (1891) *Ruohs* v. *Town of Athens*, 18 S. W. 400.

$50,000, Brownsville, City of, Tenn.

Actual loss. No constitutional authority for city to hold election and issue railroad aid bonds and the holders could not recover. (1889) *Norton* v. *Brownsville*, 129 U. S. 479.

$50,000, Campbell County, Tenn.

No statutory authority for county to hold election and issue railroad aid bonds. Issuance thereof could not be compelled.

(1869) *Justices of Campbell County* v. *Knoxville and Kentucky Railroad Co.*, 46 Tenn. 598.

$5,000, Claiborne County, Tenn.

Actual loss. County having power to erect a courthouse and jail had no implied authority to issue a bond as security for a debt contracted for such purpose. Bond was void. (1884) *Claiborne County* v. *Brooks*, 111 U. S. 400.

$50,000, Dyersburg, Town of, Tenn.

Actual loss. Power of town to subscribe for stock of railroad did not carry with it implied authority to issue negotiable bonds therefor. Bonds held by bona fide purchaser were void. (1888) *Norton* v. *Dyersburg*, 127 U. S. 160.

$150,000, Hamilton, County of, Tenn.

Issue enjoined. Special act providing for issue of county bonds for foot, wagon and railroad bridge was unconstitutional because being for private purpose. (1894) *Colburn* v. *Chattanooga W. R. Co.*, 28 S. W. 298.

———, Hawkins, County of, Tenn.

Actual loss. Bonds signed by chairman and clerk of court without a court order or county subscription to the stock of the turnpike company were void. County was not estopped by having received the coupons for taxes. (1876) *Barnard* v. *Hawkins County*, 2 Tenn. Cas. 97.

$75,000, Johnson City, Tenn.

Actual loss. City was authorized to issue bonds to aid domestic railroad corporation but issued its bonds to aid a foreign railroad corporation, although the bonds recited on their face that it was a domestic corporation. Bonds were void even in hands of innocent purchasers. (1897) *City of Johnson City* v. *Charleston, C. & C. R. Co.*, 44 S. W. 670. Same issue void (1900) *Travellers' Insurance Co.* v. *Mayor, etc., of Johnson City*, 99 Fed. 663.

$210,000, Knox County, Tenn.

County court had no statutory power to make county bridge bonds or interest payable in United States gold coin of the pres-

ent standard weight and fineness. Issuance of such bonds not allowed. (1896) *Burnett* v. *Maloney*, 37 S. W. 689.

$50,000, Lawrence County, Tenn.

Actual loss. An act of 1851 authorized certain counties to subscribe to railroad stock upon the affirmative vote of a *majority* of voters. The constitution of 1870 prohibited any county from becoming a stockholder except after an election and the assent of *three-fourths* of the voters participating. All laws not inconsistent with the constitution were continued in effect. Held, the constitution was a limitation on the powers of counties and not a grant of power. Hence county under the circumstances had no power to issue railroad aid bonds and such were void. Holder was bona fide purchaser. Decision by Judges Taft and Lurton. (1899) *Fidelity Trust & Safety-Vault Co.* v. *Lawrence County*, 92 Fed. 576.

$135,000, Memphis, City of, Tenn.

Actual loss. Part of issue of $1,135,000. Voters authorized issue of $1,000,000 to pay general indebtedness hence the excess was unauthorized and void. Payment of interest did not impart validity. (1875) *City of Memphis* v. *Bethel*, 17 S. W. 191.

$17,000, Milan, Town of, Tenn.

Actual loss. Power of town to issue railroad aid bonds in amounts of $1,000 each at 6% was violated by issues of $150 at 8% each. Bonds were void. Power "to lay and collect taxes to pay interest on the bonds which may be issued" did not confer authority to issue bonds. (1883) *Taxpayers of Milan* v. *Tenn. Central R. Co.*, 79 Tenn. 329.

$12,000, Milan, Town of, Tenn.

Actual loss. Statutory power of town to subscribe for stock of railroad did not confer power to issue negotiable bonds therefor. Were void. (1888) *Kelly* v. *Milan*, 127 U. S. 139. Different issue than *Taxpayers of Milan* v. *Tenn. C. R.*, 79 Tenn. 329.

$300,000, Shelby County, Tenn.

Actual loss. Railroad aid bonds issued by the board of commissioners of the county were void because the act creating the

board was unconstitutional, nor could the bonds be considered valid because issued by de facto officers inasmuch as the office itself did not exist de jure; nor could the bonds be subsequently ratified by the county without the assent of three-fourths of the voters. (1886) *Norton* v. *Shelby County*, 118 U. S. 425.

TEXAS

$71,500, Austin, City of, Texas.

Actual loss. City bonds issued for general purposes were void because no provision was made for levying a tax to pay interest and to provide sinking fund. (1897) *Nalle* v. *City of Austin*, 42 S. W. 780.

———, Baird Independent School District, Texas.

Issue of school bonds enjoined because tax levy exceeded twenty cents on $100. (1908) *Snyder* v. *Baird Independent School District*, 113 S. W. 521. Same case, 111 S. W. 723, holding that this school district was not a municipal corporation within the meaning of the statute, and that a special act was unconstitutional (1908).

$16,000, Brazoria County, Texas.

Issue of county bridge bonds enjoined because of failure to provide tax levy to pay interest and provide a sinking fund. (1897) *Brazoria County* v. *Youngstown Bridge Co.*, 80 Fed. 10.

$15,000, Brenham, City of, Texas.

Actual loss. Statutory power for city to borrow money for general purposes conferred no rights to issue negotiable bonds, and therefore even a bona fide holder of them could not recover against the city. (1892) *Brenham* v. *German-American Bank*, 144 U. S. 173 and 549.

$51,000, Cleburne, City of, Tex.

Actual loss. City waterworks bonds dated January 1st, were signed July 3d, under a resolution of the city council, by a private citizen who had been mayor on January 1st, but who had gone out of office a few days prior to date of his signature. The bonds were not therefore issued as required by statute and were void even when bought by bona fide holder. (1889) *Coler* v. *Cleburne*, 131 U. S. 162.

$25,000, Columbus, City of, Texas.

Partial loss. City waterworks bonds were void in part because they exceeded debt limit. (1902) *City of Columbus* v. *Woonsocket Institution for Savings*, 114 Fed. 162.

$20,000, Denison, City of, Texas.

Actual loss. City bonds, issued to redeem outstanding city scrip and improve streets failed to state the purpose on their face, as required by law, other than to state that they were issued by virtue of a certain ordinance without giving its title or purpose and were void in hands of bona fide purchaser. (1892) *Barnett* v. *Denison*, 145 U. S. 135.

———, Ector County, Texas.

Issue of county jail bonds enjoined because persons voted who were not taxpayers within the meaning of the statute. (1900) *Hendrick* v. *Culberson*, 56 S. W. 616.

———, Galveston, City of, Texas.

City had no authority to agree to issue bonds for sidewalk improvements. This decision was collateral to the main issues in the case. (1877) *Hitchcock* v. *Galveston*, 96 U. S. 341.

$13,000, Hemphill County, Texas.

Contract by a county judge for building a jail and to issue county bonds was void as the county commissioners' court alone had such authority. (1889) *Polly* v. *Hopkins*, 11 S. W. 1084.

$3,000, Hempstead, City of, Texas.

Actual loss. Mayor and secretary of city issued the bonds without an ordinance, although the bonds recited that they were issued in compliance with such an ordinance. Bonds were void in hands of innocent purchaser. He must take notice of their illegality, and the fact that the rate of taxation would be increased beyond the limit authorized by the constitution. (1901) *Peck* v. *City of Hempstead*, 65 S. W. 653.

$39,000, Howard County, Texas.

Actual loss. County courthouse bonds exceeded debt limit and were void. Innocent purchaser charged with notice. (1892) *Francis* v. *Howard County*, 54 Fed. 487.

$5,000, Mitchell County, Texas.

Actual loss. County commissioners issued bridge bonds but the court minutes provided for bonds to be issued for courthouse purposes. Innocent purchaser lost because chargeable with notice of the court's order. These bonds were ten out of a series of sixty, all reciting that they were issued for bridge purposes. (1898) *Mitchell County* v. *City National Bank*, 91 Tex. 361; 43 S. W. 880.

$33,250, Mitchell County, Texas.

Partial loss. Order of commissioners' court, by authority of which the county bonds were issued, provided for using the funds for a jail and a courthouse. There was no statutory authority for advertising the bonds for jail purposes. Purchaser must take notice of the order, although the bonds purported on their face to be issued for courthouse purposes alone. The bonds were held proportionately void as to $11,925 of the total, said amount being used for erection of the jail. (1899) *Noel Young Bond and Stock Company* v. *Mitchell County*, 54 S. W. 284.

$30,000, Nolan County, Texas.

Actual loss. County courthouse bonds were void even in hands of bona fide purchaser because of failure to provide at time of their issue for levying a sufficient tax to create a sinking fund in addition to meeting the interest, as required by constitution. Legislature had no power to validate the bonds as they violated constitutional provisions. (1894) *Quaker City National Bank* v. *Nolan County*, 66 Fed. 883. Same issue, *Nolan County* v. *State*, 17 S. W. 823 (1891).

$4,500, Paris, City of, Texas.

Actual loss. City ordinance authorizing bonds to be issued in payment of fire engine provided for their payment by a special tax of one-tenth of one per cent of value of taxable property. As city had levied tax to its full authority, the provision for the special tax was unconstitutional. As the bonds recited they were payable out of the special tax, they were not a general liability of the city and action on coupons could not be sustained. Action barred by statute of limitations anyway. (1887) *Gould* v. *City of Paris*, 68 Tex. 511.

$27,000, Terrell, City of, Texas.

Actual loss. Bonds issued to erect city hall exceeded debt limit and were void in hands of holder for value. Provision for payment of interest and sinking fund out of general revenue was void because power to contract debts was exhausted. (1894) *Millsaps* v. *City of Terrell*, 60 Fed. 193.

$28,000, Terrell, City of, Texas.

Partial loss. Part of city waterworks bonds exceeded debt limit and were void in hands of bona fide holder. City not estopped by recitals in the bonds. (1890) *Citizens' Bank* v. *City of Terrell*, 14 S. W. 1003.

$130,000, Waco, City of, Texas.

The mayor had no authority to sell city public improvement bonds at his discretion as to price. Such contract for private sale could not be enforced. (1896) *Blair & Co.* v. *City of Waco*, 75 Fed. 800.

$60,000, Washington County, Texas.

Issue enjoined. No implied authority for county to erect courthouse. (1884) *Robertson* v. *Breedlove*, 61 Tex. 316.

$9,000, Waxahachie, City of, Texas.

Town school bonds would have exceeded limit of indebtedness, besides there was lack of statutory authority. Contract to issue same for purchase of school building was unenforceable. (1887) *City of Waxahachie* v. *Brown*, 67 Tex. 519; 4 S. W. 207.

UTAH

$22,500, Heber City, Utah.

Resolution reciting bonds were to be issued for "corporate purpose" failed to adequately express purpose. Intention was to use proceeds for constructing electric lighting plant. Issue enjoined. (1909) *State ex rel. Willis* v. *Heber City*, 102 Pac. 309.

VERMONT

$50,000, Lunenburgh, Town of, Vt.

Commissioners *filed* but failed to *record* certificate of assents to issue of railroad aid bonds by town. Issuance could not be

compelled. (1876) *Essex County R. Co.* v. *Selectmen, etc., of Lunenburgh,* 49 Vt. 143.

VIRGINIA

$2,000, Alexandria, City of, Va.

Actual loss. Dr. Fairfax owned stock of city of Alexandria which was confiscated by city and sold to Webb. Webb returned the stock to the city and received $2,000 in bonds. Dr. Fairfax then sued city and recovered his stock and then city sued Webb to cancel his bonds. Held, confiscation sale was a nullity and Webb's bonds were void. (1880) *Webb* v. *City Council of Alexandria,* 33 Grat. 168.

$60,000, Culpeper, Town of, Va.

Persons allowed to vote were not qualified. Issue of town road bonds enjoined. (1909) *Eggborn* v. *Board of Supervisors of Culpeper County,* 63 S. E. 424.

$40,000, Lynchburg, City of, Va.

City had no authority to guarantee payment of private electric lighting plant bonds; city was enjoined. (1898) *Lynchburg & R. St. Ry. Co.* v. *Dameron,* 28 S. E. 951.

$175,000, Parkersburgh District, Va.

Issuance and sale of railroad aid bonds of a magisterial district enjoined because the bonds were to be sold in advance of time of delivery, and the proceeds used to pay the subscription instead of using the bonds themselves in payment. (1897) *Neale* v. *County Court,* 27 S. E. 371.

$10,000, Roanoke County, Va.

Actual loss. Statutory authority to make an allowance in money or supplies to soldiers and sailors conferred no express or implied power to issue bonds for such purpose. Bonds void in hands of bona fide holder. (1881) *Bonsack & Kiser* v. *Roanoke County,* 75 Va. 585.

$500, Staunton, City of, Va.

Issue of city street improvement bonds enjoined because they would exceed limit of indebtedness. (1905) *Robertson* v. *City of Staunton,* 51 S. E. 178.

WASHINGTON

$66,000, Blaine, City of, Wash.

Actual loss. City bonds issued to fund invalid street warrants held void. Mandamus to compel levy of taxes to pay interest denied. (1906) *State ex rel. Barnes* v. *City of Blaine,* 87 Pac. 124.

$22,000, Harrington, Town of, Wash.

Ordinance providing for submitting question for issuance of town waterworks bonds to voters failed to state the object in its title and failed to recite the purpose of the issue, the amount to be raised, the denomination of the bonds, when they would bear date, the time and place of payment, and the rate of interest. Issue enjoined by taxpayer. (1909) *Hansard* v. *Green,* 103 Pac. 40.

$500,000, King County, Wash.

Ship canal for the benefit of federal government was not a necessary county purpose, and issue of bonds therefor was enjoined. (1907) *State ex rel. Potter* v. *King County,* 88 Pac. 935.

$130,000, Snohomish County, Wash.

Issue of county bonds enjoined because of failure to call for bids for the bonds and because the outstanding warrants to be taken up by the issue of the bonds were illegal, as they exceeded the debt limit. (1897) *Duryee* v. *Friars,* 50 Pac. 583.

$1,500, Snohomish County, School District No. 93 of, Wash.

Issued and held void. School district had no authority to issue bonds to pay off warrants when the bonds would exceed the limit of indebtedness; that the bonds although exchanged for the warrants, increased the indebtedness. (1906) *State ex rel. Atkinson* v. *Ross,* 86 Pac. 575.

WEST VIRGINIA

$10,000, Moundsville, Town of, W. Va.

Actual loss. Bonds issued for a mining and manufacturing enterprise was not for a municipal or public purpose, and were illegal and void. (1877) *Ohio Valley Iron Works* v. *Town of Moundsville,* 11 W. Va. 1.

$20,000, Parkersburg, City of, W. Va.

Actual loss. City bonds issued by authority of a special act to aid a manufacturing enterprise were void because the act was unconstitutional, not being for a public object. (1882) *Parkersburg* v. *Brown,* 106 U. S. 487.

WISCONSIN

$25,000, Bayfield County, Wis.

Actual loss. Was part of issue of $240,000 county railroad aid bonds; $25,000 held void because exceeded debt limit, and the other part held valid. (1898) *Crogster* v. *Bayfield County,* 99 Wis. 1; 74 N. W. 635.

———, Burlington, Town of, Wis.

Actual loss. Election held and town railroad aid bonds issued before act took effect. Were void. Purchaser bound to know law. (1861) *Town of Rochester* v. *Alfred Bank,* 13 Wis. 432.

$150,000, Janesville, City of, Wis.

Actual loss. City charter relied upon as authority for issue of railroad aid bonds had not taken effect. Were void. Purchasers bound to know law. (1861) *Clark* v. *City of Janesville,* 13 Wis. 414.

$100,000, Kaukauna, City of, Wis.

City waterworks bonds would exceed debt limit. Issue enjoined. (1896) *Earles* v. *Wells,* 68 N. W. 964.

$100,000, Kenosha, City of, Wis.

City railroad aid bonds issued without authority were void but holder could recover purchase price. (1867) *Paul* v. *City of Kenosha,* 22 Wis. 266.

$66,000, Kenosha, City of, Wis.

Actual loss. Railroad aid bonds issued by city declared void in hands of bona fide purchaser because statute authorizing same failed to provide a definite limit of indebtedness. Not ratified by subsequent special statute. (1870) *Fisk* v. *City of Kenosha,* 26 Wis. 23.

$6,000, Knight, Town of, Wis.

Issue of townhall bonds enjoined. Notice of election was in-

valid. Was given twenty-one days before meeting while statute required not less than fifteen days nor more than twenty days' notice. Was signed "T. H." without designation that he was clerk of the town. Notice was not posted in three of the most conspicuous places. Notice that the election would be held at several places was defective when it was to be held at one place. It did not appear that the request for town meeting was signed by twelve freeholders and delivered to the town clerk twenty days before the town meeting. (1892) *McVichie* v. *Town of Knight*, 51 N. W. 1094.

$7,000, Lima, Town of, Wis.

Actual loss. Bona fide holder could not recover although town bonds issued to aid plank-road company recited that they were issued pursuant to an act by legal voters and town supervisors because it did not appear that there had been deposited and recorded in the town clerk's office an affidavit of supervisors of posting notices of election and the application. (1865) *Veeder* v. *Town of Lima*, 19 Wis. 280.

$3,000, Ludington, School District No. 5 of the Town of, Wis.

Actual loss. School bonds exceeded debt limit and were void because no tax was voted to pay the indebtedness and they were not refunded; lack of authority and no consideration. Recitals did not validate. Bona fide holder not protected. (1902) *Montpelier Savings Bank & Trust Co.* v. *School District No. 5 of the Town of Ludington*, 92 N. W. 439.

$1,600, Melrose and Irving, Joint School District No. 1 of the Towns of, Wis.

Actual loss. School bonds exceeded debt limit, were irregularly issued and were void. Bona fide holder presumed to know limits of municipalities' power. (1903) *Balch* v. *Beach*, 95 N. W. 132.

$150,000, Milwaukee, City of, Wis.

Proposition submitted to voters of city for building electric plant did not state with sufficient clearness what part was to be expended for construction alone and what part in maintenance. Was part of $500,000 issue. Issue enjoined. (1910) *Neacy* v. *City of Milwaukee*, 126 N. W. 8.

$800, New London, Village of, Wis.

Actual loss. Lack of charter or statutory authority for village to issue railroad aid bonds. Were void. (1886) *Perrin* v. *City of New London*, 30 N. W. 623.

———, Rochester, Town of, Wis.

Actual loss. Election held and town railroad aid bonds issued before act took effect were void. Purchaser bound to know law. (1861) *Town of Rochester* v. *Alfred Bank*, 13 Wis. 432.

$2,315, Superior, City of, Wis.

Actual loss. City had no charter power to issue street improvement bonds as a general liability. Such bonds were void in hands of innocent purchasers. Purchase money was not recoverable even though full faith and credit of city was pledged for payment and bonds recited that all conditions precedent had been complied with. (1906) *White River Savings Bank* v. *City of Superior*, 148 Fed. 1. Bonds of like character held void in *Brattleboro Savings Bank* v. *Same; Bennington County Savings Bank* v. *Same; Bellows Falls Savings Bank* v. *Same*, and *Wilmington Savings Bank* v. *Same*, 148 Fed. 10. Note. These bonds appeared to be special assessment bonds.

$15,800, Superior, City of, Wis.

Actual loss. Lack of authority. Invalid city bonds could not be validated by ratification. The recital in the bonds that it was legal was not binding on city. Every purchaser bound to take notice of the statute under which they were issued. (1902) *Uncas National Bank* v. *City of Superior*, 91 N. W. 1004.

———, Waterloo, Town of, Wis.

Actual loss. Town railroad aid bonds were issued before the act relied upon as authority was published or took effect. Were void for want of authority. (1861) *Berliner* v. *Town of Waterloo*, 14 Wis. 378.

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